THE

TRIAL

OF

HENRY YORKE.

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The Trial

OF

HENRY YORKE,

FOR A

CONSPIRACY, &c.

BEFORE THE

HON. MR. JUSTICE ROOKE,

AT THE ASSIZES, HELD FOR THE COUNTY OF YORK,
ON SATURDAY, JULY 10, 1795.

PUBLISHED BY THE DEFENDANT,

FROM

MR. RAMSAY'S SHORT-HAND NOTES.

"QUID FACEREM? NEQUE SERVITIO ME EXIRE LICEBAT."

SOLD BY E. AND R. PECK, BOOKSELLERS, LOW-OUSEGATE, YORK;
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THE BOOKSELLERS IN THE KINGDOM.

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DEDICATION.

TO JOHN HOTHAM, Esq.

FROM WHOM HAS BEEN RECEIVED
THE MOST
INDEFATIGABLE ATTENTIONS,
DURING THE COURSE
OF A LONG IMPRISONMENT,
THE FOLLOWING
TRIAL,
AS A MARK OF RESPECT,
IS DEDICATED,
BY HIS OBLIGED FRIEND,

HENRY YORKE.

ADVERTISEMENT.

THE Printers of this Trial having declined publiſhing the Sheffield Proceedings, on which I was tried, as well as the Appendixes, the following Trial will extend to no more than Six Numbers; at the ſame time I declare myſelf diſcharged from the propoſal I made to the Public in the Firſt Number, of publiſhing an Account of my Conduct.

INTRODUCTION.

IT was my original intention to have prefaced this Trial with a conciſe account of the ſhare I have had in the tranſactions of certain public bodies during the laſt three or four years; but the ſubſequent wiſh, that neither my name nor my conduct ſhould henceforward attract the public attention, has determined me, as the moſt prudent meaſure, to remain ſilent. I think it, nevertheleſs, proper, that a few circumſtances ſhould be related, *immediately* reſpecting this Trial, which may lead the public to a more eaſy comprehenſion of its ſeveral parts.

I had remained in priſon fifteen months before I was brought to trial, during eleven of which months I was detained in this Caſtle a cloſe priſoner, on a charge of High Treaſon. At the Spring Aſſizes I expected to have been tried for High Treaſon, in conſequence of which I was put to an enormous expence in making the neceſſary preparations; my ſolicitor went over to Sheffield and its neighbourhood, in order to procure the neceſſary evidence and documents, for the purpoſe of repelling that charge. I was obliged to detain in England an important witneſs, whoſe paſſage to America, and

that of his family, being forfeited, in conſequence I was compelled to pay, as well as to make them a ſuitable allowance during their detention *. Thus I had accrued a monſtrous expence, for the purpoſe of repelling a charge, which, in the end, was not advanced againſt me.

It may be proper, in this place, to ſtate the motives which compelled me to adopt this meaſure. When I was before the Privy Council, they informed me, that, independent of the other treaſonable charges, they had a ſuſpicion againſt me of aiding and abetting the King's enemies; and this is, I ſuppoſe, the circumſtance alluded to by Mr. Law, in that part of his reply (ſee page 181) wherein he mentions his knowledge of "the ramifications of this buſineſs, which, if they had been purſued, might have led to ſtill more dangerous conſequences." It was neceſſary for me, therefore, after having heard this moſt extraordinary charge, to ſpare no means either for my own ſafety, or my own honour, to repel it. Theſe perſons were accordingly prevented from quitting the country, becauſe they had been in the conſtant habits of ſeeing me, and knowing my employments ſince the commencement of the war. My own ſervants were alſo to be looked after; and laſtly a gentleman who is, I believe, the ſon of a member of parliament in Dublin, was to have been brought to England in my behalf.

* The paſſage was compromiſed with the Captain, as is the cuſtom, and part only was paid.

By what falſe teſtimony the Government could have been duped into the belief of ſo ſerious a charge; and on what grounds they could poſſibly give it credit, I ſolemnly declare I am unable to judge, or even to imagine. The reader will recollect, that at the moment of my arreſt, Robeſpierre held the reins of government in France, and that in thoſe ſad times, accuſation and conviction were one and the ſame thing. John Morgan, Eſq. the gentleman above alluded to, who had recently left that country, aſſured me in Holland (where we met) that there was a warrant iſſued out againſt me by the Committee of General Security, and that my books, property, &c. had been ſeized. And in order to leave no doubts in my mind reſpecting the certainty of it, he declared that ſeveral Engliſhmen had been interrogated reſpecting me, and that there had been a very diligent ſearch after me.

In order that this event (otherwiſe unimportant) may be rightly underſtood, it may be proper to revert to a circumſtance which took place the laſt time I was in Paris, in the year 1792. A propoſition, the moſt flagitious, perhaps, which ever entered the mind of man, was made in a certain ſociety there, for the purpoſe of inſtigating the French people to wage war againſt this country. To deſcribe the perſons concerned requires but a ſmall ſhare of penetration, for they had but one character; they were men bankrupt in fortune, in honour, and reputa-

tion—men who had fled from the purſuit of their creditors, or for crimes againſt the public peace, and who dared not return to their country in tranquil times—men who were prepared, from their deſperate characters, to hazard all upon the throw of the die, in order that amid ſcenes of diſtraction and diſquiet their crimes might be forgotten. In one ſtroke Salluſt juſtly paints them, "ſui profuſus, alieni appetens." Theſe were the men who paſſed themſelves off in Paris for "*perſecuted patriots*," and who, exerting all their venom againſt their native country, deſcribed its people as ſlaves, and its rulers as tyrants. Accordingly they drew up a petition, couched in "*moſt pathetic terms*," to the National Convention, requiring them to carry their victorious arms to the banks of the Thames, in order to "*reſcue out of ſlavery their poor unhappy Engliſh brethren.*" I oppoſed it, and plainly told them, they were not to place themſelves on a level with the emigrants at Coblentz, "for *they* have left *all* behind them; "whereas *you* have left *nothing*, for *you* had *no-* "*thing* to leave: *they* were reſpectable in their "characters, and formidable in their numbers— "*you* poſſeſs neither the one nor the other—you "talk of principles which you openly violate— "you curſe the eruption of Auſtria and Pruſſia, "preſuming to dictate a rule of government to "a free nation, and yet you propoſe to adopt "the ſame ſyſtem againſt your own country— "you reprobate wars, and you want to dip

" your hands deep in blood—in the blood of " your fellow citizens. You have no more " right to cannonade men out of what you call " ſlavery, than they have to cannonade French- " men out of what they call freedom. If you " purſue your guilty ſpeculation, I tell you can- " didly, I will away home, ſhoulder my brown " muſquet, and meet you at Dover."——The matter was put to the vote, and *we* carried it by a majority of *one*. Notwithſtanding this, they reſolved to try the queſtion once more, and had obtained the ſanction of a few obſcure members of the National Convention. In conſequence of which, Dr. Johnſon * and myſelf wrote a remonſtrance, and ſeceded from their body. We were (as the reader may well imagine) publicly expelled, in due form, from the ſociety as ariſtocrates, *unfit to be truſted*; and, a ſhort time after, meeting Col. Oſwald, in the Palais Royal, he told me *I was unfit to live in a civilized ſociety*.

To the above-mentioned fact may be added another, which will ſhew at the ſame time, the precarious tenure by which men held their lives in that unhappy country, as well as the danger

* Of all the circumſtances reſpecting this unfortunate gentleman, the public have been ſufficiently informed. The intereſt he took in bringing the monſter Marat to trial; his ſubſequent addreſs to the French nation, given in Briſſot's paper, and his attempted ſuicide and perſecution in France, have been detailed elſewhere. It is ſufficient for me here to obſerve, that we went from Derby together, and that he is univerſally reſpected, as a man of honour and integrity, by all who know him.

of acting from the dictates of conſcience, without being guided by thoſe prudential rules ſo neceſſary to every public character.

Before I was of age, I had written a pamphlet on the fatal effects of the unqualified abolition of the Negro ſlave trade, and this I did from motives of humanity; it was when I lived at Little Eaton, near Derby: but at a more advanced age, and after mature reflection, I found reaſons to change my opinions. I therefore conſidered it as a principle of moral obligation, as publicly to retract my errors as I had broached them. I therefore advertiſed an anſwer to my own publication, and, when I went to France, carried the firſt pamphlet with me, in order that I might write the anſwer which I had propoſed—but unſuſpecting, and imprudent, I had ſhewn it to ſeveral perſons in Paris. I there wrote the reply, but as I ſhortly after came back to England, for the purpoſe of arranging my affairs, in order that, with my family, I might return to that country, I left the pamphlet in the hands of Mr. R******, a gentleman well known in the political world. I little thought that this perſon to whom I was made known in my youth, by one now high in the confidence of his Majeſty, would be the very man to expoſe me to the fury of a revolutionary tribunal. When the decree had paſſed for the arreſtation of all the Engliſh, this man, whether diſguſted at the idea of paſſing his old age in a priſon, and thinking I ſhould never re-

ſurn to that country, during thoſe moments of ſtorm, or whether actuated by a mean, ſelfiſh, criminal motive, went to the committee of general ſecurity, and ſuggeſted to them that I had come to Paris, not, as I profeſſed, to carry a deputation to the Convention, but as a ſpy from the Britiſh government; and to this he added an argument, certainly very plauſible, that my real name was not Yorke, but Redhead*; and he produced the book in proof of his aſſeveration, as well as the above-mentioned circumſtance, which took place in the Rue des Petits Peres. This tallying preciſely with ſome other circumſtances, which I ſhall mention elſewhere, as well as with thoſe above-mentioned, gave a colour to the ſuggeſtion, a warrant was accordingly iſſued out to ſeize me; and, as I told the Privy Council, when before them, after having related the above circumſtances, that had I been apprehended, my death would have been the conſequence.

How, then, was it poſſible that I could have aided and abetted the King's enemies, when my

* I changed my name ſhortly after I came of age. It was not my fault that the neceſſary ſteps had not been taken to have it done according to the uſual forms. Should I publiſh the narrative of facts, which I have written during my impriſonment in this place for high treaſon; the public will then (if they have any right to be acquainted with a man's private concerns) be informed that I had ordered it to be done, and that nothing but the idea of leaving a country, wherein I had ſo many private and public enemies, prevented me from executing that in perſon, which I had formerly ordered my agent to do; however the matter will be ſhortly rectified.

life was called for by them? Or how could a reaſonable perſon, who had known the facts, give credit to any baſe informer? However, it was neceſſary I ſhould be prepared againſt the worſt, although I aſſured the Privy Council that ſuch a charge would be laughed at, and ſcouted out of Court. The reader may well conclude, from the above fact, that I was juſtified in ſuch a declaration; but I knew that I was ſtanding upon my own bottom, and that if I was not active for myſelf, there would not be found one man among thoſe who profeſſed the ſame opinions as myſelf, who would ſtand forward in my behalf.

Such, then, were the great expences that accrued in preparing to repel an accuſation, ſo ſeverely penal in its conſequences, if eſtabliſhed, and which would have caſt infamy both on myſelf and innocent family. Although exonerated from this charge, I here repeat what I ſaid to the Privy Council, that I dare and defy an accuſation of that nature.

However, theſe were the complicated charges upon which I was committed to this Caſtle, and for which I was detained in it, until three aſſizes had paſſed over, without an opportunity of trial. I have already ſtated the great expence which had been incurred until the ſecond aſſizes, when, to my very great ſurpriſe, the proſecution for Treaſon was abandoned; and, inſtead of being reſtored to my family as others in ſimilar caſes had been, two indictments were preferred and

found againſt me; the one for the conſpiracy on which I have been convicted, the other for a libel, which has been abandoned: part therefore of the expence was to come over again, and that expence was to be furniſhed out of *my own pocket*, and not from popular contributions which had been raiſed for other men*. This may, in ſome degree, ſhew in what kind of eſtimation I am held by my own party, if I may call myſelf a partizan.

During the term of my impriſonment, I have perhaps ſuffered more than any other man, under every ſpecies of obloquy, falſehood, and calumny; not ſatisfied with inveighing againſt my public character, my private one was alſo to be aſſailed; at a time of life, too, when the leaſt diſcretion, or the leaſt exertion of good ſenſe, ought to have ſuggeſted to the fabricators of injury was too ſhort to compriſe thoſe multitudinous accuſations, which have been repeatedly launched

* As many reports have been circulated, reſpecting ſubſcriptions raiſed for me, and ſo forth (in order, no doubt, to connect me with party men), I think it here my duty to declare, that a ſolitary 100l. is all that I have ever received to defray the expences of a trial which has coſt ſeveral hundreds, and which has come entirely out of my own pocket—I hold obligation, therefore, to none—I never received a farthing (the above excepted) in the world from any man, or body of men.—I have not acted from diſappointment, (as ſome ſcoundrels, who call themſelves Reformers pretend); for I never ſolicited a place or favour in the world, nor has it been done for me by any friend. I therefore challenge all defamation, and glory in my independence. Many offers have been made to me, ſeparately, by *individuals*, as well as to my ſolicitor, of pecuniary aſſiſtance; we have uniformly refuſed them, as unbecoming my character to receive. I would rather live upon brown bread than forfeit, in any inſtance, a tittle of my independence.

againſt me. I feel them not, becauſe I know them to be falſe. Although early introduced into the gay circles of life, fatherleſs, and without monitors, I might, like other young men in the warmth and levity of youth, be ſuſpected of committing many follies, yet I proudly gratulate myſelf, that although I have been guilty of many indiſcretions, no man dare accuſe me of one act of meanneſs. I have never departed, I hope, from the character which a venerable father, reſpected by all who knew him, both here and abroad, left behind to his children, as a legacy for their imitation. My education, my means of life, and my views, muſt put me above the level of thoſe who, having nothing to loſe, wiſh to involve all in confuſion to better their condition, or to ſcreen themſelves from public reproof. My pride has ever prevented me from aſſociating with improper characters, or being the tool of any party; but my enthuſiaſm has made me its victim. If I have conſpired, it is alone; if I have at any time erred, the fault is my own. From a perſon of ſuch a diſpoſition, therefore, it was not to be expected that anſwers ſhould be given to all the reports of malevolence. It was not to be expected that I ſhould be conſtantly going out of my road to detect falſehood *, or to intreat the tongue of ſlander to ceaſe its virulence: that indeed would be fooliſhly imitating Boccalini's Travel-

* It is not unknown to me who have been the principal authors of detraction againſt me; but from this diſhonourable crew there is one whom I have ſingled out, who has long induſtriouſly endeavoured to ſap my peace of mind, and to defame and traduce my character—*Low*

ler, who, disturbed on his journey by the tinkling of the grasshoppers in the field, tied his horse to a stake that he might kill them all—by which means he never arrived at his journey's end.

It has been frequently said, and it has been reported to me upon very strong authority, that the Jury would not have convicted me had it not been for the speech I delivered. I am well perswaded that if I had committed my defence entirely to my very able Counsel, Mr. Hotham, he would have conducted it in a much superior manner, with all the additional advantages of that legal ability which he possesses; but I was resolved to give to the world a correct idea of my principles. I had been painted in some of the public papers *(I mean those notoriously adverse to Government)* as a man more fit to be President of a Revolutionary Tribunal than of a society of English reformers. I was resolved, therefore, to give them the lie. If indeed I have used expressions too harsh for the occasion, let it be understood as arising from the habit which I have long practised, of not compromising opinions between right and wrong. I shall doubtless suffer for those expressions:—Be it so. But, perhaps, although the moments of my future imprisonment, like the past, may not be the most

cunning, and *ignorant*, he has made his way in the world, by truckling to all characters, and, with the profoundest simulation, seems to cover his own *want* of principle, by calumniating the character of others. Much as he is beneath the notice of a liberal mind, yet, for the sake of example, and for the sake of the unfortunate, I will, at a proper time, strip him of his disguise, and hold him up, in proper colours, to the detestation of mankind.

happy and tranquil, yet they will be the moſt uſeful of my life*.

With reſpect to what Mr. Law has obſerved concerning the bail in page 181 of the Trial, I wiſh to make the following plain remark. He ſays, "That bail was eaſy, and I know thoſe who were intruſted with the proſecution, if any body had ſaid that the quantity of bail was inconvenient, it would have been alleviated to the loweſt ſum poſſible." And a little above he ſays, in the ſame paſſage, "But when he ſays he is hunted down by Government, I aſk him was it not open to him to have had bail? and if circumſtances of private embarraſſment had diſenabled him to avail himſelf of that bail, I do not think it very candid to throw out harſhneſs againſt Government." To this I reply. And perhaps nothing will more fully ſhew the number of friends I have made among the Reformers, and their great attachment to me, than what I am going to ſtate. Every exertion was made by my ſolicitor to obtain me bail, as far as was conſiſtent with the ſtrict rules of propriety which we had laid down. Very much againſt my inclination, and even without my knowledge, he had made applications, and even ſubmitted himſelf to many mortifications, which I ſhould not have adviſed or permitted; and although it was abſolutely expedient that I ſhould

* In conſequence of the Judge having refuſed to hear my authorities, I was compelled to change the ground of my defence entirely; which did not a little diſconcert me. The ſpeech which the public have before them, is very different from that I *ſhould* have made, had it been allowed.

have been at liberty to have ſought out thoſe perſons whom I knew were moſt proper for exculpatory evidence, although my individual purſe was to contend againſt the purſe of the nation, and although the money was offered to be paid down to the perſons who ſhould guarantee to bail me, there was not *one man** found in this famous town of Sheffield who would ſtep forwards in ſupport of their ſuppoſed ſeditious champion—there was not one man to be found elſewhere; (*who was friendly to the cauſe of reform*) but they all "*ſlunk ſcowling back to the cave of Obſcurity.*" My mind had been habituated to impriſonment; and, mortifying as this circumſtance was, I thought it better to remain in this Caſtle. This circumſtance, which will, no doubt, appear aſtoniſhing to all parties, more eſpecially when the lenity of Government had required only 50l. bail, may teach men of all deſcriptions to conſider my motives and actions, and the great value placed upon me by my own ſuppoſed partizans, as the leader of a ſeditious or revolutionary confederacy. This event has gone deep into my heart, and I ſhall remember it for ever †.

With reſpect to the other circumſtance, of private embarraſſments, I ſhall ſay only a few words. There lives not a man who has been more uniformly regular in his payments, and who, living

* I have been ſince informed that one perſon *did* offer, but as he was a witneſs (though I did not call him) in my behalf, he was ineligible.

† I ſolemnly declare it as my belief, that if the bail offered had been only *five pounds*, there would have been found, not two men (Reformers) who would have offered themſelves.

as I have done, has incurred leſs expence. It has been villainouſly reported, that being involved in debts, I am a man, as Otway ſays in Venice Preſerved, "Fit to diſturb the peace of all the "world." IT IS A LIE. I here challenge the whole world to bring forward any proofs againſt me of this ſort. I here challenge the ſtricteſt ſcrutiny. I am too proud, and I love independence too well, to put myſelf in the power of any one man upon earth. Again I ſay, I challenge the world; and although I never take notice of any ſlanders which may be iſſued againſt me; yet, as this aſſertion has been made in a court of juſtice, I do think it right to declare that, ſo far from being involved in debts, I am, at this moment, a creditor to a large amount. And even the Government muſt know it, as well as myſelf, that I have enough to keep me in eaſe and independence *, according to the juſt idea of proportioning one's mode of life to the means we are poſſeſſed of.

To conclude—I do not think it becoming to make any comments either on the manner in which this Trial was conducted, the evidence brought forwards on both ſides, or on that verdict which has conſigned me ſtill to undergo mortifications and abuſe. It is publiſhed—the world muſt judge of the whole.

* It is proper here to obſerve, that my eaſe and independence is not only very much interrupted, but is very faſt going to ruin, in conſequence of my impriſonment, and that it was in order to obtain my property that I endeavoured to quit the country; but the warrant for high treaſon which arreſted me, not only prevented it, but is daily expoſing every thing to go to dilapidation.

I did indeed hope, that when proſecution had abated in London, I ſhould have been again reſtored to ſociety; and flattering myſelf with this pleaſing idea, I had reſolved never again to obtrude my opinions on the public, and to retire to my cottage, there to complete the neceſſary preparations, for a profeſſion to which I have been devoted from my early youth. But defeated in this expectation, nothing remains for me but to reconcile myſelf to the worſt, and to bear, with becoming firmneſs, the evils which I am yet to undergo. Without having gained one ſingle friend from among the multitude who profeſſed themſelves friendly to reform, and having experienced more ill uſage from them than thoſe of an oppoſite deſcription *, I ſtill, nevertheleſs, avow myſelf a friend to ſhort Parliaments, and a more equal repreſentation, but an enemy to all factious violence and anarchy. From having been ſo long apart from the world, from having eſcaped ruſhing down with the torrent of a divided public opinion, I have been enabled to con-

* Mr. Law has very much miſunderſtood me, when he accuſes me of reprobating the government for my long impriſonment. I no where made ſuch an expreſſion in my ſpeech; when I ſpoke of perſecution, I alluded to thoſe who call themſelves *alarmiſts*, and who, I believe, have been more active in perſecuting me than the government. I cannot avoid obſerving, that it is rather hard that I ſhould now ſuffer in priſon for aſſerting, among other things, that the will of the people was the ſupreme law, when I ſaw Earl Fitzwilliam ſtanding as a ſpectator of my trial, whom I have frequently heard, as Preſident of the Whig Club, of which I am a member, give this toaſt, "The Majeſty of the People." Had his Lordſhip not "*ſlunk ſcowling back to*" his dinner, when I was addreſſing the Jury, I ſhould certainly have reminded him of the circumſtance.

template the great ſcenes which have been acting in the theatre of the world for the laſt eighteen months, without paſſion and without enthuſiaſm; and I have thence learnt that uſeful leſſon, ſo difficult to be acquired in calamitous times, that *moderation is the beſt policy*; and if I never again interfere in politics, I deſire it may be underſtood as ariſing from no diſhonourable motive, but from the full conviction, which the experience of the paſt has taught me,—that he is happieſt who takes the noiſeleſs tenor of his way through the ſequeſtered vales of private life.

POSTSCRIPT.

I BEG the public will make the proper allowances for the haſte with which this Trial is publiſhed, eſpecially, for ſome errors in punctuation. It is neceſſary alſo to obſerve, that the extract from Beccaria, in page 124, was not read by me in Court, but ſhould have been introduced as a note at the bottom of the page. I would recommend alſo, thoſe perſons who accuſe me of "vanity *, in endeavouring to aſſimilate "my name and labours with great men," to read the letter of Pliny to Arioſto, in the 5th Book of his Epiſtles.

* See Mr. Law's Reply, page 180.

THE

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HENRY YORKE, &c.

INDICTMENT.

YORKSHIRE, } THE Jurors for our Lord the King, upon
TO WIT. } their oath preſent, That HENRY REDHEAD, late of Sheffield, in the county of York, gentleman, otherwiſe called HENRY YORKE, late of Sheffield, in the county of York, gentleman, JOSEPH GALES, late of the ſame place, printer, and RICHARD DAVISON, late of the ſame place, labourer, being malicious, ſeditious, and ill-diſpoſed perſons, and being greatly diſaffected to our ſaid Lord the King, and to the government of this realm as by law eſtabliſhed, and maliciouſly and ſeditiouſly contriving and intending to break and diſturb the peace and tranquillity of this realm, on the ſeventh day of April, in the thirty-fourth year of the reign of our Sovereign Lord George the Third, now King of Great Britain, and ſo forth, and on divers other days and times, as well before as after, with force and arms, at Sheffield aforeſaid, in the county aforeſaid, unlawfully, maliciouſly, and ſeditiouſly, did combine, conſpire, and confederate with each other, and with divers other diſaffected and ill-diſpoſed ſubjects, whoſe names are to the ſaid jurors unknown, to traduce, vilify, and defame the Commons Houſe of Parliament, and the government of this realm, and to excite a ſpirit of diſcontent, diſaffection, and ſedition in the minds of the liege ſubjects of our ſaid Lord the King, towards and againſt our ſaid Lord the King, and the government of this realm; and that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators, in purſuance of the ſaid unlawful combination and conſpiracy, on the ſaid ſeventh day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the county aforeſaid, did cauſe and procure divers ſubjects of our ſaid Lord the King, to a large number (to wit), the number of four thouſand and more, to meet and aſſemble themſelves together, at a certain open place called the Caſtle Hill, at Sheffield aforeſaid, for the purpoſe of hearing divers ſcandalous, ſeditious, and inflammatory ſpeeches,

reſolutions, and writings of, and concerning the Commons Houſe of Parliament, and the government of this realm, propoſed, uttered, publiſhed, and read to the ſaid ſubjects at ſuch aſſembly, and did then and there, at the ſaid aſſembly, propoſe, utter, publiſh, and read, and cauſe and procure to be propoſed, uttered, publiſhed, and read to the ſaid ſubjects, ſo aſſembled as aforeſaid, divers ſcandalous, ſeditious, and inflammatory ſpeeches, reſolutions, and writings of, and concerning the ſaid Commons Houſe of Parliament, and the government of this realm, traducing, vilifying, and defaming the ſaid Commons Houſe of Parliament, and government of this realm, and repreſenting the people of this realm to be unlawfully oppreſſed and injured by the government thereof; and that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators, in further purſuance of the ſaid unlawful combination and conſpiracy, and in order to induce the liege ſubjects of our ſaid Lord the King, to think and believe that the ſaid Commons Houſe of Parliament were inattentive to the lawful wiſhes, deſires, and petitions of the people of this realm, then and there (to wit) on the ſaid ſeventh day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the county aforeſaid, did cauſe and procure a motion and propoſal to be then and there made to the ſaid ſubjects, ſo then and there aſſembled at the ſaid place, called the Caſtle Hill as aforeſaid, that a petition ſhould be preſented to the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament) for a reform in the repreſentation of the people in Parliament, with intent that the ſaid motion and propoſal ſhould be then and there rejected by the ſaid ſubjects, ſo then and there aſſembled as aforeſaid; and which ſaid motion and propoſal, by the contrivance and procurement of them, the ſaid HENRY REDHEAD, otherwiſe HENRY YORRE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators, was then and there ſo rejected accordingly: And that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, in further purſuance of the ſaid unlawful combination and conſpiracy, then and there (to wit) on the ſame ſeventh day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the county of York aforeſaid, did, with a loud voice, ſay, publiſh, and utter, to and in the preſence and hearing of the ſaid ſubjects, ſo then and there aſſembled at the ſaid place, called the Caſtle Hill as aforeſaid, divers other ſeditious, malicious, and inflammatory matters and things, of and concerning the ſaid Commons Houſe of Parliament, and the government of this realm; and among other things as follows (that is to ſay), Fellow Citizens, the day is at length arrived, when fanaticiſm and ſuperſtition, deprived of their tinſel trappings, and expoſed, in their native uglineſs, to the view of mankind, ſlink ſcowling back to the cave of obſcurity; there, I hope, they will for ever remain. The energy of Engliſhmen

will no longer endure this ſtrange uproar of injuſtice (meaning of injuſtice in this country, and meaning and inſinuating thereby that injuſtice was practiſed in this country by the government thereof). I truſt my countrymen (meaning the people of this country) are ſick of religious and political impoſture, and that their deciſive and manly conduct will command, in an imperious tone, which will take no denial, not a melioration of theſe enormous abuſes (meaning abuſes in this country) which would be to compromiſe with injuſtice; but I truſt they will demand the annihilation of corruptions and abuſes (meaning of corruptions and abuſes in this country), and a reſtitution of the original rights of human nature. And afterwards as follows (that is to ſay), The governments of Europe (meaning among others the government of this country) preſent no delectable ſymmetry to the contemplation of the philoſopher—no enjoyment to the ſatisfaction of the citizen. A vaſt deformed and cheerleſs ſtructure, the frightful abortion of haſte and uſurpation, preſents to the eye of the beholder no ſyſtematic arrangement, no harmonious organization of ſociety. Chance, haſte, faction, tyranny, rebellion, maſſacre, and the hot inclement action of human paſſions, have begotten them. Utility never has been the end of their inſtitution, but partial intereſt has been its fruit. Such abominable and abſurd forms, ſuch jarring and diſſonant principles, which chance has ſcattered over the earth, cry aloud for ſomething more natural, more pure, and more calculated to promote the happineſs of mankind. And afterwards as follows, that is to ſay, It muſt be granted that this experience is important, becauſe it teaches the ſuffering nations (meaning this nation among others) of the preſent day, in what manner to prepare their combuſtible ingredients, and Humaniſts in what manner to enkindle them, ſo as to produce with effect that grand political exploſion, which at the ſame time that it buries deſpotiſm, already convulſive and agonizing, in ruins, may raiſe up the people to the dignity and ſublime grandeur of freedom (meaning and intending thereby to inſinuate, and cauſe it to be believed, that the government of this country, among others, was a deſpotic government; and that the people of this country, among others, were not free). And afterwards as follows (that is to ſay), Citizens, I repeat my former aſſertion. Go on, as you hitherto have done, in the culture of reaſon. Diſſeminate throughout the whole of your country, that knowledge which is ſo neceſſary to man's happineſs, and which you have yourſelves acquired. Teach your children, and your countrymen, the ſacred leſſons of virtue, which are the foundations of all human polity. Teach them to reſpect themſelves, and to love their country. Teach them to do unto all men, as they would that they ſhould do unto them, and their love ſhall not be confined to their country, but ſhall extend to the whole human race. When ſuch a revolution of ſentiment ſhall have

diſperſed the miſts of prejudice; when, by the inceſſant thunderings from the preſs, the meaneſt cottager of our country (meaning Great Britain) ſhall be enlightened, and the ſun of Reaſon ſhall ſhine in its fulleſt meridian over us, (meaning the people of this country); then the commanding voice of the whole people (meaning the people of this country) ſhall recommend the five hundred and fifty-eight gentlemen in Saint Stephen's chapel, (meaning the members of the ſaid Commons Houſe of Parliament) to go about their buſineſs. And that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators, in further purſuance of the ſaid unlawful combination and conſpiracy, on the ſaid ſeventh day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the ſaid county, did read, utter, and publiſh, and cauſe and procure to be read, uttered, and publiſhed to and in the preſence and hearing of the ſaid ſubjects ſo then and there aſſembled, as aforeſaid, divers other ſeditious, malicious, and inflaminatory matters and things of and concerning the ſaid Commons Houſe of Parliament, and amongſt other things as follows; that is to ſay, It is the opinion of this meeting, that the people (meaning the people of this country) ought to demand as a right, and not petition as a favour, for univerſal repreſentation; therefore we will petition the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament) no more on this ſubject: And that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, in further purſuance of the ſaid unlawful combination and conſpiracy then and there (to wit) on the ſaid ſeventh day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the county of York aforeſaid did, with a loud voice, read, utter, and publiſh to the ſaid ſubjects, ſo then and there aſſembled, at the ſaid place called the Caſtle Hill, a certain libel of and concerning the ſaid Commons Houſe of Parliament, and the government and people of this realm, purporting and pretending to be a petition to our ſaid Lord the King, for the emancipation of the negro ſlaves, and containing therein, among other things, divers malicious and ſeditious matters and things, of and concerning the ſaid Commons Houſe of Parliament, and government of this realm, as follows; that is to ſay, wiſhing to be rid of the weight of oppreſſion under which we groan, we are induced to compaſſionate thoſe who groan alſo, and to deſire an alleviation of their ſufferings: on our own account, we have repeatedly petitioned the Lower Houſe of Parliament (meaning the ſaid Commons Houſe of Parliament) but petitioned in vain: We are weary of the practice—We are diſguſted to hear the hallowed name of Liberty made the ſport of corrupt placemen (meaning of corrupt placemen in this country); and we are ſhocked to ſee that in the practice of legiſlation (meaning the practice of legiſlation in this country), Humanity is but a name:

And that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators, in further purſuance of the ſaid unlawful combination and conſpiracy afterwards (to wit) on the tenth day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the ſaid county of York, did print and publiſh, and cauſe and procure to be printed and publiſhed, a certain ſcandalous, malicious, and ſeditious pamphlet, of and concerning the ſaid Commons Houſe of Parliament, and the government of this realm, entitled, Proceedings of the Public Meeting held at Sheffield, in the open Air, on the ſeventh of April, 1794; and alſo an Addreſs to the Britiſh Nation, being an Expoſition of the Motives which have determined the People of Sheffield to Petition the Houſe of Commons no more on the Subject of Parliamentary Reform; and containing therein, among other things, as well the ſaid ſcandalous, malicious, and ſeditious matters hereinbefore mentioned to have been ſpoken, uttered, read, and publiſhed to the ſaid ſubjects ſo aſſembled at the ſaid place called the Caſtle Hill, as aforeſaid; as alſo divers other ſcandalous and ſeditious matters and things of and concerning the ſaid Commons Houſe of Parliament, and the government of this realm, (that is to ſay), in one part thereof, according to the tenor and effect following (that is to ſay), Our petition was received with the utmoſt indignation by the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament), which was no more than we expected; we knew that the homely truths we uttered would be very unwelcome gueſts in that Houſe (meaning the ſaid Commons Houſe of Parliament); we never expected that a body, in which there were ſo many placemen and penſioners, would liſten to the palpable facts ſtated in that petition, the object of which was to root out injuſtice, and to curb licentionſneſs (meaning licentiouſneſs) and corruption: Nevertheleſs, as we were called upon by our countrymen to unite with them, we thought ourſelves bound to comply with their wiſhes; and although our petition was diſdainfully rejected, becauſe not couched in language ſufficientl (meaning ſufficiently) polite and reſpectful for the five hundred and fifty-eight Gentlemen who ſit as the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament); yet believe us, fellow-citizens, we are ſtill of opinion, that the matter it contained was not only juſt and proper, but we think that even the language which gave ſo much offence to the Honourable Gentlemen, was much too polite and too moderate for us; for if the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament) were the real repreſentatives of the people, we certainly had a right to dictate, and not to petition, becauſe they could be conſidered in no other light than as the organs of the public will; and if they refuſed to obey that will, they would be uſurpers, and not repreſentatives: If, on the contrary, they are not the repreſentatives of the people, what have

we to do with them? If they are not our repreſentatives, we cannot be their conſtituents, and to petition thoſe who are not our repreſentatives, as our repreſentatives, would be a manifeſt abſurdity, if not an inſult and mockery of ourſelves: However, the petition, ſuch as it was, being termed diſreſpe ful, (meaning diſreſpectful) was thrown out by a majority of 79, there being 29 only who voted for its being received, and 108 who voted againſt it: Such imperious treatment rather gives warning than ſtrikes terror. The abuſe of repreſentation can never come in the place of a rule; for no legal power can be derived from injury or injuſtice. On this ground alone, therefore, we are juſtified in preſerving a ſullen ſilence in reſpect to the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament); for if grievances, abuſes, complaints, and truth, are to be diſcarded from that Houſe, (meaning the ſaid Commons Houſe of Parliament) becauſe not dreſſed in a gentleman-like language, how are we plain mechanics ever to obtain redreſs, who are not gentlemen, and who are conſequently ignorant of thoſe polite and courtly expreſſions which are neceſſary to gain a hearing in that Houſe, we are ignorant of the art of diſplaying truth by halves; and as we love plain dealing ourſelves, we deteſt hypocriſy in others, and pity thoſe who would wiſh us to follow their example. We ſaid to the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament), we are wronged and aggrieved; will you right us, and redreſs our grievances, or will you not? If you will, we ſhall be ſatisfied; if you will not, we ſhall ſeek redreſs ſome other way. This is the ſole queſtion with us; and we put it, as we thought, in a moſt becoming ſtyle to the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament); but our petition being ſcouted, we ſhall trouble them no more with our coarſe and unmannerly language: It will be our duty to proceed, as we have uniformly done hitherto, in enlightening the public mind; and when a complete revolution of ſentiment ſhall take place (as will ſhortly be the caſe) in our country, we ſhall open our mouths in that key we think moſt agreeable to ourſelves; and our voice, together with that of our diſfranchiſed countrymen, will reſemble perhaps the thunderings from Mount Sinai! If the members of the Houſe of Commons (meaning the ſaid Commons Houſe of Parliament) be the repreſentatives of the people, there is no cauſe of complaint. If it be a virtual repreſentation, thoſe who are virtually repreſented are alone competent to aſcertain the conditions of the truſt, and to determine whether the virtual repreſentation anſwer its intended object: we have long ſince decided on the ſubject, and our verdict is—GUILTY. Thoſe who have a right to ſpeak in a dictatorial tone diſgrace themſelves by petitioning; nor can there be any propriety in petitioning a corrupt agent to remove himſelf, and to appoint another in his place. And in another part thereof, according to the tenor and effect following (that is to ſay), the conſtitution of Bri-

tain indeed is highly extolled, as the greateſt effect of human wiſdom, ſo is the conſtitution of Turkey at Conſtantinople; but theſe are prejudices, and the long tyranny of prejudice is verging to a ſpeedy termination, in contempt of our ſaid Lord the King and his laws, to the evil example of all others, in the like caſe offending, and againſt the peace of our ſaid Lord the King, his crown and dignity. And the Jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, ſo being ſuch perſons as aforeſaid, and ſo contriving and intending as aforeſaid, on the ſeventh day of April, in the thirty-fourth year aforeſaid, and on divers other days and times, as well before as after, with force and arms, at Sheffield aforeſaid, in the county aforeſaid, unlawfully, maliciouſly, and ſeditiouſly, did again combine, conſpire, and confederate with each other, and with divers other diſaffected and ill-diſpoſed ſubjects, whoſe names are to the ſaid Jurors unknown, to traduce, vilify, and defame the ſaid Commons Houſe of Parliament, and the government of this realm, and to excite a ſpirit of diſcontent, diſaffection, and ſedition in the minds of the liege ſubjects of our ſaid Lord the King, towards and againſt our ſaid Lord the King, and the government of this realm, in contempt of our ſaid Lord the King and his laws, to the evil example of all others, in the like caſe offending, and againſt the peace of our ſaid Lord the King, his crown and dignity. And the Jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, ſo being ſuch perſons as aforeſaid, and ſo contriving and intending as aforeſaid, on the ſeventh day of April, in the thirty-fourth year aforeſaid, and on divers other days and times, as well before as after, with force and arms, at Sheffield aforeſaid, in the county aforeſaid, unlawfully, maliciouſly, and ſeditiouſly, did combine, conſpire, and confederate with each other, and with divers other diſaffected and ill-diſpoſed ſubjects, whoſe names are to the ſaid Jurors unknown, to cauſe and procure divers other ſubjects of our ſaid Lord the King, to a large number (that is to ſay), to the number of four thouſand and more, to meet and aſſemble themſelves together, with intent, and in order that they the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators laſt mentioned, might utter, propoſe, publiſh, and read, and cauſe, and procure to be uttered, propoſed, publiſhed, and read, to the ſaid laſt mentioned ſubjects at ſuch aſſembly, divers other ſcandalous, ſeditious, and inflammatory ſpeeches, reſolutions, and writings of and concerning the Commons Houſe of Parliament, and the government of this realm, traducing, vilifying, and defaming the ſaid Commons Houſe of Parliament, and government of this realm, and repreſenting the people of this realm to be unlawfully oppreſſed and injured by the government thereof, and

might thereby irritate and inflame the minds of the ſaid laſt-mentioned ſubjects, againſt the ſaid Commons Houſe of Parliament and the government of this realm, and excite in the minds of the ſaid laſt-mentioned ſubjects a ſpirit of diſcontent, diſaffection, and ſedition towards and againſt our ſaid Lord the King, and the government of this realm; and that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, and the ſaid other conſpirators laſt mentioned, in purſuance of the ſaid laſt-mentioned combination and conſpiracy, unlawfully, maliciouſly, and ſeditiouſly, did, on the ſeventh day of April, in the thirty-fourth year aforeſaid, at Sheffield aforeſaid, in the county aforeſaid, cauſe and procure divers other ſubjects of our ſaid Lord the King, to a large number (that is to ſay), to the number of four thouſand and more, to meet and aſſemble themſelves together at a certain open place, called the Caſtle Hill, at Sheffield aforeſaid, in the county of York aforeſaid; and did then and there, at the ſaid laſt-mentioned aſſembly, propoſe, utter, publiſh, and read, and cauſe, and procure to be propoſed, uttered, publiſhed, and read, to the ſaid laſt-mentioned ſubjects ſo aſſembled, as laſt aforeſaid, divers other ſcandalous, ſeditious, and inflammatory ſpeeches, reſolutions, and writings, of and concerning the ſaid Commons Houſe of Parliament, and the government of this realm; traducing, vilifying, and defaming the ſaid Commons Houſe of Parliament, and government of this realm, and repreſenting the people of this realm to be unlawfully oppreſſed and injured by the government thereof; in contempt of our ſaid Lord the King and his laws, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid Lord the King, his crown and dignity. And the Jurors aforeſaid, upon their oath aforeſaid, do further preſent that the ſaid HENRY REDHEAD, otherwiſe HENRY YORKE, JOSEPH GALES, and RICHARD DAVISON, ſo being ſuch perſons as aforeſaid, and ſo contriving and intending as aforeſaid, on the ſeventh day of April, in the thirty-fourth year aforeſaid, and on divers other days and times, as well before as after, with force and arms, at Sheffield aforeſaid, in the county aforeſaid, did unlawfully, maliciouſly, and ſeditiouſly combine, conſpire, and confederate with each other, and with divers other diſaffected and ill-diſpoſed ſubjects, whoſe names are to the ſaid Jurors unknown, to break and diſturb the peace and tranquillity of this realm, and to raiſe and excite riots, commotions, and tumults therein, amongſt the ſubjects of our ſaid Lord the King, and to incite and encourage the ſaid ſubjects to furniſh and provide arms and offenſive weapons, for the purpoſe of more effectually raiſing and carrying on ſuch riots, commotions, and tumults, in contempt of our ſaid Lord the King and his laws, to the evil example of all others, in the like caſe offending, and againſt the peace of our ſaid Lord the King, his crown and dignity.

YORK SUMMER ASSIZES.

THURSDAY, JULY 23, 1795.

Before Mr. JUSTICE ROOKE,

THE KING

AGAINST

HENRY YORKE, &c. &c.

The Bill was found by the Grand Jury for the Lent Aſſizes 1795, of which the following is a Liſt:

Sir. R. D. HILDYARD, of Wineſtead, Bart. *Foreman.*
RICHARD HENRY BEAUMONT, of Whitley
HUMPHREY OSBALDESTON, of Hunmanby
EDWARD CONSTABLE, of Burton-Conſtable
JOHN DALTON, of Sleningford
WALTER FAWKES, of Farnley
ROBERT DENNISON, of Kilnwick
BRYAN COOKE, of Owſton
THOMAS GRIMSTON, of Grimſton
HENRY GRIMSTONE, of Sunderlandwick
ROBERT ATHORPE ATHORPE, of Dennington
THOMAS NORCLIFFE DALTON, of York
EDWARD WILKINSON, of Potterton Lodge
WILLIAM MARWOOD, of Buſby
EDWARD TOPHAM, of Wold Cottage
ROBERT CARLISLE BROADLEY, of Ferraby
HEWLEY JOHN BAINES, of Bell-Hall
GILBERT CROMPTON, of York
WILLIAM RICHARDSON, of Fulford
CHARLES MORTIMER, of Burton Grange
THOMAS HORTON, of Holroyd
ROBERT HARVEY, of Farnham
TATTON SYKES, of Drypool,
} Eſqrs.

JURY*.

Samuél Francis Barlow, of Middlethorp, Eſq. *Foreman.*
Thomas Chatterton, of Waplington, Eſq.
Benjamin Agar, of Stockton, Eſq.
William Nelson, of Brantingham, Eſq.
Thomas Brennard, of Baildon, Malſter.
Richard Balderston, of Ingleton, Gent.
Richard Vawser, of Market Weighton, Gent.
John Brown, of Rudſton, Gent.
Timothy Crowther, of Gomerſall, Merchant.
Richard Crosby, of Whitby, Gent.
Thomas Cooper, of Low Worſall, Yeoman.
William Meadley, of Aldborough, Yeoman.

Counſel for the Proſecution.	*Counſel for the Defendant.*
Mr. Law,	Mr. Hotham.
Mr. Wood.	
Mr. Topping.	
Mr. Johnson.	
Solicitors.	*Solicitors.*
Meſſrs. Chamberlayne and White, Solicitors to the Treaſury.	Mr. Skepper, York.
Mr. Dealtry, Crown-office.	
Mr. Brookefield, Sheffield.	

Thomas Robinſon of Kilderthorp, Eſq. was challenged on the part of the Crown, by Mr. Law.

Mr. Hotham. My Lord, as Counſel for Mr. Yorke, I think it my duty to obſerve, that the counſel for the Crown have no right to object to a Juror, without aſſigning a cauſe.

Mr. Law. I ſhall certainly aſſign no cauſe, nor ſay a word upon the ſubject.

Mr. Juſtice Rooke. Are you ſerious in your objection, Mr. Hotham?

Mr. Hotham. Moſt certainly, my Lord; and I beg it may be taken notice of, that the objection was made.

Mr. Yorke. If they object to a Juror, without aſſigning a cauſe, I ought to be allowed the ſame privilege.

Mr. Juſtice Rooke. I repel the objection.

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* The four firſt were ſpecial jurors, the others *tales*.

(The Indictment was opened by Mr. JOHNSON.)

Mr. Law. May it please your Lordship.

Gentlemen of the Jury. In opening to you the subject of this indictment, I will venture to assume, that you are not wholly unacquainted with the history of your own country during the last three or four years, nor wholly unapprised of the dangerous attempts that have been made, both from within and without, to undermine the government of the country, to spread disaffection and discontent among the minds of his Majesty's subjects, and particularly to draw into the disrespect of his Majesty's subjects, and strip of its reverence that particular branch of the constitution in which we are interested, they being our representatives; I mean the third branch of the legislature, the Commons House of Parliament. Gentlemen, You are aware, no doubt, of the industrious and mischievous pains that have been taken to circulate discontent, respecting that branch of the legislature; to poison the minds of his Majesty's subjects respecting it; to induce them to believe that their representatives, instead of being induced by motives of duty, are instigated by the sordid motives of gain and advantage; and that every thing like an attention to public duty is wholly extinct in that body, upon whom so much of our welfare depends. Much pains have been taken to make us hold in disrespect that wholesome system of laws, and that beneficial arrangement of political and civil government, under which this country has long existed in a greater degree of happiness, both civil and religious, than any other country upon the face of the globe.

Gentlemen, You are not to be told that in 1792 and 1793, a great number of societies were disseminating poison through the kingdom, in the shape of associations and combinations, for the purpose, feignedly, perhaps, I believe wholly feignedly, for effecting a reform in Parliament. Among the persons very much distinguishing themselves upon that occasion, and mischievously distinguishing themselves, were the three defendants in this cause, and particularly the defendant now before you. Gentlemen, The scene of action was the trading towns in this country; and about the close of 1792, or the beginning of 1793, a most mischievous spirit displayed itself in the actings, and counsels, and conspiracies which are the subject of this indictment, and also in the year 1794, to which period, particularly, your attention in this cause will be directed.

Gentlemen, The subject of this indictment is a conspiracy; and you will excuse me if I just lay down, under the direction of my Lord, to which you will defer; and if I should lay down any thing that is not founded in the soundest principles of law, I shall receive gladly the correction of the learned Judge, and you will

receive the beſt information from him that you can receive upon the ſubject.

Gentlemen, In caſes of conſpiracy, for that is the crime charged, it is not in the nature of them, and you cannot expect to bring perſons who were preſent at the immediate meeting where the parties immediately confer and communicate upon their deſigns, and where originates the purpoſe ſtated upon the record as the conſpiracy of an unlawful purpoſe in which they were engaged; but you are obliged, as in all other caſes, to infer the purpoſe from the act, and where you find a number of perſons acting apparently in concert, whoſe acts tend to one common end and object, and that common end and object of their united actings is an awful and miſchievous purpoſe, you infer from that community of action a unity of deſign, and if you find them acting jointly, or acting ſeparately, with an intention of effecting an unlawful purpoſe, the law denominates that a conſpiracy, which by their acting they are endeavouring to promote: if therefore I find ſome at one time, others at detached times, endeavouring to promote the ſame ſeditious purpoſe, (and you cannot but infer from their conſtant acting towards the ſame object that they have a unity of deſign), you are then to pronounce that that unity of deſign, the deſign being unlawful, is what the law denominates a conſpiracy, and then conſider of the means imputed to them to effect that deſign, which are the moſt likely to carry that miſchievous deſign into effect. The conſpiracy that they are charged with is this, a conſpiracy to traduce and vilify the Commons Houſe of Parliament, to excite diſaffection towards the King and his government in the minds of his ſubjects, to excite riots and tumults and commotions in the realm; that is the ſubſtance of the conſpiracy charged in the ſeveral counts in the indictment: for I collect now the conſpiracy as it is charged in all the counts; in the different counts we charge different means uſed to effectuate that end, and the principal means are theſe, the collecting an aſſembly at Sheffield, where the defendant and others then reſided, reſpecting whom, perhaps, I ſhall ſtate to you ſhortly, and arreſt here the detail of the indictment and the evidence upon which it is founded to ſtate to you who they are; the defendant whoſe private character we know nothing of prior to his appearance there in 1792 or 1793, where he ſeems to have taken up his lodgings early, with a perſon of the name of Gales, a printer *, who was

* I never did take up my lodgings at Mr. Gales's. I ſlept but one night at his houſe, and my doing ſo, was in conſequence of a hurt I received by a fall. This aſſertion of the Counſel for the proſecution is in *no inſtance* proved on the trial, and yet it is made a material circumſtance, to prove the conſpiracy, as will appear afterwards. Neither did I ever correſpond with him, having only received three letters from him during the whole courſe of my life. Two about the beginning of the year 1793, on the ſubject of a pamphlet he was then printing for me, and another, written to my brother, Dr. Redhead, in the ſame year. Beſides this, he wrote a letter in the beginning of the year 1794 to a relation of mine, requeſting to

a main inſtrument of carrying his purpoſes into effect, and Daviſon, a journeyman printer to this Gales, who have by their tumultuous conduct either been exiled, or ſelf-exiled, have withdrawn themſelves from Sheffield: theſe are the perſons under whoſe banners all the miſchievous meaſures that were taken ſeem to have been arrayed, and under their aſſiſtance principally carried into effect. Gentlemen, I was ſtating to you what the object of the indictment was, and what were the counts ſtated in it. The counts charged upon them are firſt of all a conſpiracy to vilify, and traduce, and defame the Commons Houſe of Parliament. I ſtated, likewiſe, a conſpiracy to excite diſaffection towards his Majeſty's government, and to excite riots and tumults in the country, and then I was about to ſtate to you the means detailed in the indictment, as the means intended to carry thoſe deſigns into effect. The firſt means ſtated is the calling an aſſembly to be held at Sheffield the 7th of April 1794.

Gentlemen, There exiſted in that place, as in various parts of the kingdom, a ſociety called the Conſtitutional Society; and there were other ſocieties in other parts of the country, Correſponding Societies, and various other names. Here I think they called themſelves (for under that title they chooſe to veil their wicked deſigns, they called themſelves) A Meeting of the Friends of Juſtice, Liberty, and Humanity. Thoſe who were members of this ſociety, and all others who might chooſe to come together, were convened by an advertiſement in the Sheffield Regiſter; a paper publiſhed by Gales on the 4th of April 1794, inſerted in conſequence of a reſolution of a meeting of the 2d of April 1794. It begins, firſt of all, "Public meeting in the "open air;" and the very manner of convening them, indicates an intention of diſturbance. The convening a multitude, which no private houſe could afford room for, ſhews that intention *; and particularly when they were convened reſpecting a public object, particularly liable to miſchief. It ſays, "The Friends of "Juſtice, Liberty, and Humanity, are deſired to meet at three

know where I was, and ſoliciting ſtrenuouſly in the name of the friends of reform at Sheffield, that I would viſit them again. This letter I offered to produce in Court, but its admiſſion was rejected. As to Daviſon, I know nothing about him, having never converſed with him but *once* in my life, and then only for a few minutes, in the preſence of ſeveral perſons.

* I ſhould draw a direct contrary inference. The publicity of the meeting was certainly a proof at leaſt that *they* thought what they were doing was ſtrictly legal. Beſides, it was notorious, that peace-officers would attend, that magiſtrates *might* attend, and that perſons avowedly hoſtile to the meaſures ſtated in the public advertiſement, would be there alſo. If therefore the object of the meeting were to produce diſturbance, it was flying in the very face of the laws, and of thoſe who are bound to adminiſter them. On the contrary, the meeting was quietly held, and as quietly diſſolved, and no notice whatever taken of it, nor of the ſuppoſed ſeditious ſpeeches, until after the ſuſpenſion of the Habeas Corpus act. If a meeting in the open air "indicates," as Mr. Law ſays, "an intention of diſturbance," the great meeting held in the year 1784, at this Caſtle, "in the open air," muſt alſo have been equally reprehenſible; and ſo of all others.

" o'clock, on Monday the 7th April 1794, on the Caſtle Hill, in " Sheffield, to conſider on the propriety of addreſſing the King, " in behalf of the perſecuted patriots, Citizens Muir, Palmer, " Skirving, Margarot, and Gerald."

Gentlemen, Theſe are perſons who were previouſly convicted by the ſentence of their country, of offences which they merited, as it ſeemed to that country, and as it ſhould ſeem giving due credit to the perſons before whom they were tried. They are recited here as being perſecuted patriots. I think this very advertiſement is ſeditious in itſelf, and would warrant the charges in the indictment.

" Public Meeting---in the open Air.

" *Committee Room of the Sheffield Conſtitutional Society, April 2.* 1794.

" THE Friends of Juſtice, of Liberty, and of Humanity, in the town and neighbourhood of Sheffield, are deſired to meet on Monday next, at 3 o'clock in the afternoon, on the Caſtle Hill, in Sheffield, to conſider upon the propriety of addreſſing the King, in behalf of the perſecuted patriots, Citizens Muir, Palmer, Skirving, Margarot, and Gerald; alſo of again petitioning the Houſe of Commons for a reform in the repreſentation of the people; and to determine upon the propriety of petitioning the King for the total and unqualified abolition of negro ſlavery.

" Reſolved, That the addreſs to the King, in behalf of the perſecuted patriots, which has now been read, be recommended to the conſideration of the general meeting.

" Reſolved, That Citizen H. Yorke be requeſted to draw up the petition to the King, for the total and unqualified abolition of negro ſlavery, and that he be requeſted to attend to ſupport the meaſure.

" WILLIAM BROOMHEAD, Sec."

Under this advertiſement was this tumultuous aſſembly, which, upon the evidence that will be given to you, amounted to ſeveral thouſands. They repreſented the number, in one of the papers publiſhed by Gales, at about 12,000; and there is a *nota bene* at the bottom, that " it is expected that a number of friends to the above meaſures will attend on this occaſion from diſtant parts of the country:" So that it was really ringing a bell throughout the country, for the purpoſes of promoting the deſigns which they intended to accompliſh. This advertiſement produced a meeting upon the 7th of April; but, prior to that, there was a private meeting, at which a perſon will be produced to you as a witneſs, of the name of Broomhead, who was preſent when Mr. Yorke and two or three more were preſent; and then

with a view to traduce and degrade the Houſe of Commons, it was agreed that a ſham propoſition ſhould be made of petitioning the Houſe of Commons for redreſs, upon the ſubject of parliamentary repreſentation, conſidering that as a grievance that required immediate redreſs; and it was agreed that Broomhead ſhould be the man to make that propoſition, and that ſome others of the party ſhould negative it, thus far endeavouring to throw a ſtur upon the Houſe of Commons, that it was idle and fruitleſs to endeavour to obtain any thing from the Houſe of Commons; or if not wholly fruitleſs, they looked upon them to be too vile to be worth their attention a ſingle moment; and it ſhews how theſe people acted upon the minds of the unwary and the ignorant, who met in conſequence of this advertiſement. At this meeting, what was done I have from the authority of the defendant himſelf*, who thought that the publication of that ſpeech would beſt effectuate the objects of that meeting, and diſſeminate the ſedition which they thought would be too narrowly confined, if confined only to the 12,000 perſons who were aſſembled upon that occaſion.

Gentlemen, There can be nothing more miſchievous than calling perſons together to hear inflammatory harangues; and when people have not leiſure to conſider the ſubject, may carry the unwary to meaſures very dangerous to the public quiet, which if they had not been ſo acted upon, they would never have thought of. It certainly was intended to induce them to commit the moſt miſchievous exceſſes that this ſort of language was held.

The firſt motion was to addreſs the King in behalf of the perſecuted patriots. I have already told you they were deſcribed by that name of Citizens Muir, Palmer, Margarot, Skirving, and Gerald, who were at that moment under conviction by a court of proper juriſdiction, for offences of the higheſt enormity.

Gentlemen, This publication was iſſued into the world by Gales, who is not here, againſt whom we give evidence as againſt Mr. Yorke, who is here. It will be only in your power to convict the gentleman who is perſonally preſent, the others having fled and withdrawn themſelves from the juſtice of their country; but that will not embarraſs us in our proof, becauſe we ſhall give the ſame proof as if they were preſent. Gentlemen, It is neceſſary that I ſhould detail to you many particulars, and I would not employ your time in any thing unimportant to the inveſtigation before you.

Gentlemen, After this addreſs had been paſſed, which contains nothing but what is extremely miſchievous, there is a part of the ſpeech ſtated in the record, which, as it ſeems to me, contains that which will ſhew the moſt miſchievous purpoſe, on

* When and where?

the part of the man who immediately uttered it, and of the perſons who made uſe of him as the mouth by which they were to utter the ſeditious ſentiments they wiſhed to propagate. "Fellow "Citizens!" This is a part of the ſpeech which he addreſſed to the people aſſembled. "The day is at length arrived, when "fanaticiſm and ſuperſtition, deprived of their tinſel trappings, "and expoſed, in their native uglineſs, to the view of mankind, "ſlink ſcowling back to the cave of obſcurity; there, I hope, "they will for ever remain. The energy of Engliſhmen will "no longer endure this ſtrange uproar of injuſtice." They will no longer endure it! what does he mean to repreſent by this, but that Engliſhmen, energetic as their character is, had hitherto endured a religion that conſiſted in fanaticiſm and ſuperſtition? That is the obvious meaning of the paragraph. "I truſt my "countrymen are ſick of religious and political impoſture." What is that but to ſtate to them that they had been deceived, and that they had been in the habits of religious and political impoſture. "That their deciſive and manly conduct will com-"mand, in an imperious tone, which will take no denial, not a "melioration of theſe enormous abuſes, which would be to com-"promiſe with injuſtice; but I truſt they will demand the anni-"hilation of corruptions and abuſes, and a reſtitution of the ori-"ginal rights of human nature." Now, what is this but telling them he hoped they would not be parleying either with one branch of the legiſlature or the other, compromiſing with injuſtice, by which he muſt mean treating with the government; but that they would demand, in an imperious tone, which would take no denial, the alterations he was propoſing. Gentlemen, Is it fit that a multitude ſhould be aſſembled, and reproached with having endured ſo long that which he conſidered as fanaticiſm and ſuperſtition, and religious and political impoſture, and told that they are, with their own arm, (for in effect it comes to that) to redreſs their ſuppoſed grievances, and to demand an annihilation of every thing they thought injurious to the community. Gentlemen, Ought they not rather to ſeek a redreſs of grievances in the mode pointed out by the legiſlature, by peaceable and legal means, which cannot fail to produce their effect, when the exiſtence of ſuch abuſes are fairly made out*? "A reſtitution of "the original rights of human nature." What that means I am at a loſs to conceive; the right of human nature before man enters into political ſociety, is the right of the ſavage to wander about in the woods; *and when he enters into ſociety, he ſurrenders up his rights*, as the purchaſe he pays for that beneficial protection which he derives from the laws of ſociety. This, then, is to ſuggeſt to them that kind of ſpirit which, if it was permitted to increaſe, no political government of any deſcription could poſſibly ſubſiſt under the encouragement of ſuch doctrines.

* How comes it, that having been fairly made out, by men of all parties, and admitted by all, they have failed to produce their effect?

Gentlemen, I will not trouble you with all the parts of this ſpeech; ſome of them have more or leſs malignity in them. There is a practical principle of miſchief inſinuated in the next paragraph, about which no man can doubt a moment what was meant to be adviſed by it. After ſtating, that all the governments of Europe preſented no ſatisfaction to the contemplation of the philoſopher, that they were all ill conſtructed, and productive of abuſe; This is what he ſays in effect, without any exception of our own government. He ſays, "It muſt be granted, that this "experience is important, becauſe it teaches the ſuffering na- "tions of the preſent day in what manner to prepare their com- "buſtible ingredients, and humaniſts in what manner to en- "kindle them, ſo as to produce with effect that grand political "exploſion which, at the ſame time that it buries deſpotiſm, "already convulſive and agonizing, in ruins, may raiſe up the "people to the dignity and ſublime grandeur of freedom." Now, Gentlemen, this ſuggeſted to the people aſſembled, conſidering at what time it was uttered, conſidering what ſcenes were acting in other places, can any thing be meant by combuſtible ingredients, after having deſcribed all the nations of Europe as groaning under deſpotiſm, and no exception made of the government of this country, but teaching us to prepare combuſtible ingredients as the means of blowing up all this deſpotiſm, this outrageous deſpotiſm, as he calls it, that applies to every government in Europe, and the ingredients are thoſe by which the ſubſiſting governments in every country in Europe ſhould be blown up, and produce a grand political exploſion, which, at the time that it buries deſpotiſm, is to deſtroy the exiſting government, and produce happineſs to mankind; which, if it is obtained, can only be done by blowing up in this way every government arranged by the political wiſdom of every country in Europe, and we are to ſeek happineſs afterwards in any form in which ſociety is to be found. I think it is the moſt dangerous adventure which the mind of man can be drawn to, or which can be ſuggeſted to people, inflamed at the time, as they were, by an inflammatory harangue.

Gentlemen, it will be unneceſſary for me, perhaps, to detail much more to you. I will give you one more extract; and, conſidering the length of time this diſcuſſion may occupy, I ſhould be aſhamed to waſte your time: I will only trouble you with another extract, which is this; he ſuggeſts to them, that the cultivation of their reaſon, and the improvement of the mind, would neceſſarily contemplate this government as that which is impoſſible to ſubſiſt, conſiſtently with the ſtate of mankind; that it was a government ſo abſurd, that it was only to let in the day-light upon it, to ſee that it was totally inconſiſtent with all good government. He ſays, "When ſuch a revolution of ſen- "timent ſhall have diſperſed the miſts of prejudice; when, by

" the inceſſant thunderings from the preſs, the meaneſt cottager
" of our country ſhall be enlightened, and the ſun of reaſon
" ſhall ſhine in its fulleſt meridian over us, then the command-
" ing voice of the whole people ſhall recommend the 558
" Gentlemen in St. Stephen's Chapel to go about their buſineſs."
Now, I believe, few who hear me are ignorant that the Members of the Houſe of Commons conſiſt of that number, and that the place in which they ſit to execute their legiſlative function is St. Stephen's Chapel. Then what does he ſay here; as ſoon as the miſts of prejudice ſhall have been diſperſed, then that body, *which only ſubſiſts under favour of prejudice*, ſhall be diſcarded; when, by the inceſſant thunderings from the preſs (a little jumble of metaphor, I think *), the meaneſt cottager of our country ſhall be enlightened; the firſt thing we ſhall do, when we have opened our eyes, we ſhall ſee that thoſe perſons who have been elected as Members of Parliament, and that this Conſtitution, which has ſubſiſted for ages, is a conſtitution perfectly incompatible with all good government, and that they will be diſcarded, and ſhut out of doors. Gentlemen, That government which in any country is held in contempt, cannot ſafely ſubſiſt. Does not every government under the ſun take means, and muſt it not take means againſt ſuch degrading inſults? Why, in God's name, is the united dignity of the empire to be inſulted in this way, to be drawn into contempt and ridicule! and what is the practical conſequence that is to follow upon that ridicule thrown upon ſuch a body? From the moment that men ceaſe to reſpect, it leads them to ceaſe to obey, and tends to riot and tumult throughout every part of the kingdom.

Gentlemen, Theſe parts of the ſpeech I have commented upon, I think, fairly, it will be for you to put your own comments upon them. If you agree with me, that theſe extracts are ſeditious in the higheſt degree; that Mr. Yorke, who uttered them, could not but have entertained a ſeditious purpoſe; that thoſe perſons who agreed with him that ſuch ſpeeches ſhould be made; that an aſſembly ſhould be called for that purpoſe; that ſuch a ſham motion ſhould be made; who agreed that ſpeeches ſhould be addreſſed to that body; and that, with a knowledge of what they contained, he and Gales actually printed them, Gales being himſelf the printer of this publication, can you have a doubt they meant the miſchief this is calculated to produce.

Gentlemen, I will not detail to you a great deal more of this ſpeech, in which they ſay it is extremely proper for them to aſſume a dictatorial tone of voice; that they would not diſgrace themſelves by petitioning; that there could be no propriety in petitioning a corrupt agent to remove himſelf, thus affixing the imputation of corruption to the Houſe of Commons as a body, and that no benefit could be obtained by petitioning them, in ex-

* So think I.

pectation that they would make any alteration in the body of which they were members.

Gentlemen, in addition to this evidence, which I think deciſive of a ſeditious purpoſe in the perſons ſo combined, there is likewiſe evidence that they did not mean to confine themſelves merely to ſpeculation, but that they did wiſh to aſſiſt the purpoſes of commotion and tumult which were to be ſuggeſted and inſpired by theſe ſpeeches to the uſe of practical means of miſchief, and for that purpoſe; though I have no doubt, Gentlemen, you will be told that it was perfectly right that every man ſhould prepare for himſelf a pike, for the innocent and juſtifiable purpoſe of ſelf-defence *. That we ſhall ſift and canvas between us; but I have no doubt, that when it is weighed by you in the balance, it will be found wanting. Daviſon ſeems to have been more properly in that department; the ſpeaking department was Mr. Yorke's, the printing department was Mr. Gales's, and the arming department ſeems to have been more peculiarly Daviſon's. The pikes will be produced to you; they are formed in a way that might adminiſter a very effectual annoyance either to the civil magiſtrate, or troops, or any thing elſe, in caſe of reſiſtance, when they ſhould break out into a public oppoſition to the government of the country, when the combuſtible ingredients were ready to take fire, and the grand political exploſion was ready to take effect.

Gentlemen, I ſhall not detail to you in what portions that evidence will be given to you. I will only ſtate to you, that we have to draw it from reluctant witneſſes; and you will not much wonder at that, becauſe the only perſons who can produce this evidence have borne themſelves a ſhare of the blame, and may throw an imputation upon themſelves in relating that tranſaction. The evidence, however, with all the attempts that may be made to ſuppreſs or keep back part of it, will not come before you, with all theſe endeavours, ſo defective, but we may honeſtly demand at your hand that verdict of conviction which, I truſt, will teach this Gentleman, and all others of a ſimilar deſcription, that the laws of this country are not to be drawn into contempt; and that the legiſlature, the rule and government of this country, which has obtained for centuries, which has made us, as we are, a great nation, proſperous abroad†, and happy at home, are not to be vilified and traduced, and made, as far as in their power, the objects of diſreſpect and diſeſteem, without ſome effort on the part of thoſe who love peace and order, and are attached to to thoſe things, to draw down a puniſhment upon them com-

* Not only right, but lawful.

† There are ſome perſons who do not juſt at this moment agree with Mr. Law upon this head.

menſurate to the miſchiefs they meant to produce. We ſhall lay the evidence before you. It has been thought wiſe and fitting, on the part of thoſe who are entruſted with the executive function to draw this caſe before the conſideration of a Jury of the country, not doubting of the event, not doubting but that every Gentleman ſitting in that box will feel the public intereſt and his own united upon this ſubject, and will, in the verdict that he gives, when the evidence is laid before him, being entruſted for that purpoſe with the protection of the public ſafety, give that verdict which the protection of the public ſafety immediately requires, and which the convicted guilt of the party before him, immediately warrants.

Gentlemen, I will not detail any more of the evidence that is to be laid before you. I will lay it before you; and after having done ſo, and heard the evidence on the other ſide, I ſhall have an opportunity of addreſſing you again.

Mr. Yorke. My Lord, I ſhould wiſh to be informed, whether my counſel will be permitted, as well as myſelf, to addreſs the Jury?

Mr. Juſtice Rooke. You may chuſe whether yourſelf or your counſel will addreſs the Jury.

Mr. Yorke. May I be permitted, when my counſel examines the witneſſes, to examine them alſo?

Mr. Juſtice Rooke. No.

EVIDENCE FOR THE CROWN.

William Broomhead ſworn. Examined by *Mr. Wood.*

Q. Where do you live?——A. In the Bridge-houſes, near Sheffield.

Q. Did you live there in the years 1793 and 1794?—A. No.

Q. Did you live at Sheffield in thoſe years?——A. Yes.

Q. What are you by buſineſs?——A. A cutler.

Q. Were you a member of any ſociety at Sheffield, called the Conſtitutional Society?——A. Yes.

Q. When did you become a member of that ſociety?

A. I queſtion but it may be three or four years ſince—I cannot tell exactly---it was very early.

Q. When was it inſtituted?—A. I cannot tell exactly now.

Q. As near as you can recollect?——A. Perhaps three or four years; I cannot exactly recollect the time.

Q. Do you know the defendant, Mr. Yorke?—A. By ſight I know him.

Q. Did he become a member of that ſociety?—A. I do not recollect that he ever was a ticket member.

Q. Had you different ſorts of members?—A. When a perſon

viſited the ſociety from another place, and had not a ticket delivered to him—You ſee I was to deliver the tickets.

Q. You was the ſecretary?—A. Yes.

Q. What is the meaning of tickets?—A. We delivered tickets to ſuch perſons as were members in the town.

Q. Mr. Yorke had not a ticket delivered to him?—A. To my knowledge, he never had.

Q. At what time did he come amongſt you?—A. I do not exactly recollect. He might have been in Sheffield four or five weeks, more or leſs.

Q. Do you recollect in what year he came to Sheffield?—A. I think 1794. I am not exact in my recollection as to the time of his coming.

Q. Had he not been there before that time?——A. Yes.

Q. When had he been there firſt?—A. I was not a member at that time.

Q. But you recollect when he came at firſt?——A. I do not recollect with any exactneſs.

Q. Tell us as near as you can?—A. I cannot ſay, becauſe I am upon my oath, and would be as cautious and wary as poſſible.

Q. How long before 1794?——A. I was not ſecretary of the ſociety at that time.

Q. When did you firſt ſee Mr. Yorke, or Mr. Redhead, or whatever you call him, at Sheffield?——A. The laſt time of his being at Sheffield, was the firſt time I ſaw him.

Q. Did Mr. Yorke attend your ſociety?—A. Yes, occaſionally he did.

Q. Did not he attend it frequently?—A. Yes, during the laſt time of his being in Sheffield he frequently did attend.

Q. Did he attend pretty conſtantly?—A. Sometimes he did not attend—ſometimes he did.—He did not always attend.

Q. But did he frequently in the year 1794 attend your meetings?—A. Yes, he did.

Q. How often does your ſociety meet?—A. Sometimes when meetings were appointed, and often at other times.

Q. Had you regular meetings of the ſociety?—A. There were committees that met regularly—tolerably regular.

Q. How often might the committees meet?—A. Once a-week regularly, I think.

Q. Did Mr. Yorke attend your meetings regularly?——A. Sometimes and ſometimes not—to the beſt of my recollection.

Q. Did he take any part in the management of the buſineſs of thoſe committees?—A. He ſpoke occaſionally at thoſe meetings, and others likewiſe.

Q. Do you mean that other people ſpoke as well as Mr. Yorke?—A. Yes.

Q. Mr. Yorke was a great orator; was not he?—A. Yes; a pretty able orator.

Q. Perhaps the moſt able orator you had amongſt you?—A. I don't doubt that at all.

Q. What were the ſubjects he ſpoke upon?—A. About a reform in Parliament—generally.

Q. Where did you meet?—A. We met at a houſe called Watſon's Walk.

Q. A houſe appropriated for the purpoſe of your meeting?—A. Yes, a houſe where the meetings were held.

Q. What was the reform that he ſpoke upon. Did he ſpeak about 558 Gentlemen.

Mr. Hotham. I muſt object to queſtions of that ſort.

Mr. Wood. What reform was it to be?—A. A reform in the repreſentation of the people in Parliament—that was the idea of the ſociety in general.

Q. And Mr. Yorke harangued you upon theſe ſubjects; did he?—A. Yes, occaſionally.

Q. Where was he placed when he harangued you?—A. He was placed in a ſuitable——I do not know what to call it.

Q. Did you give it no name?—A. It was never chriſtened—we never had a parſon to it—it had various names.

Q. Tell us ſome of the names?—A. Some called it a Pulpit, and ſome a Tribune, or a Roſtrum.

Q. What did Mr. Yorke call it?—A. I don't recollect particularly hearing him name it.

Q. Then he got into this Pulpit or Tribune and addreſſed you? A. Yes, and occaſionally other perſons as well as him.

Q. Then, I ſuppoſe, yourſelf?—A. Yes, ſome ſeldom times, but very ſeldom.

Q. You know Mr. Gales, I preſume, the printer of the Sheffield paper?—A. Yes.

Q. Was he a member of your ſociety?—A. Yes.

Q. And Daviſon, was he another?—A. I don't know that Daviſon was, he came from Leeds; I don't know that he ever was a member; I never wrote out a ticket for him.

Q. Did he ever attend your meetings?—A. If he did it was very badly.

Q. Look at that ticket *(ſhewing it him)*, was that wrote out for him?—A. This is not of my writing.

Q. But, is that Daviſon's ticket!—A. Yes?

Q. That is one of the tickets?—So that he was a ticket member?—A. Yes.

Mr. Yorke. I believe that ticket is a ticket of the Derby ſociety, and not of the Sheffield Society.

Mr. Juſtice Rooke. Shew it to the witneſs, and let him ſay what it is.

Mr. Wood. Look at it, and tell us whether it is a Sheffield ticket?—A. I believe it is a Sheffield Ticket.

Q. Do you know where Mr. Yorke came from, or how many of thoſe reforming ſocieties he belonged to?—A. No?

Q. Have you never heard him ſay how many he belonged to? A. No, I never heard him ſay any ſuch thing.

Q. Do you know where he came from?—A. I have heard it ſaid that he reſided at Derby—I have heard it ſo ſaid.

Q. Mr. Gales, Mr. Daviſon, and Mr. Yorke, were preſent at thoſe meetings?—A. I do not recollect Mr. Daviſon.

Q. Do you recollect Mr. Gales?—A. He uſed to attend.

Q. Do you remember an advertiſement in the Sheffield Regiſter of the 4th of April 1794, ſigned William Broomhead, Secretary; that is you, I take it; is it not?—A. Yes.

Q. By whoſe direction was that inſerted there?——A. By order, I ſuppoſe, of the committee.

Q. Who were the committee then?——A. I cannot recollect them all at that time, becauſe the Committee varied.

Q. Do you know Mr. Yorke?—A. Yes.

Q. Did he give any directions about it?—A. No; he never gave any directions in our matters, he only ſpoke occaſionally; he could have no authority to give directions, becauſe he was not of the committee.

Q. But did he know of that advertiſement being inſerted?—— A. I am not certain whether he did or not, or whether he was at that meeting or not.

Q. Remember you are upon your oath?—A. I am upon my oath; I cannot poſitively ſay with reſpect to any particular meeting, unleſs I kept ſome notes.

Q. You ſee that advertiſement is ſigned by you as Secretary? A. Yes.

Q. Were Mr. Yorke and Mr. Gales privy to your inſerting that?——A. My inſerting it, Sir!

Q. Did you not ſign it?——A. Yes, but it is generally by the voice of the committee.

Q. What committee?——A. A committee that met once a-week.

Q. When did they give directions for the inſertion of it in the Sheffield Regiſter?—A. It was an appointment before; I ſuppoſe you will ſee the date; it was previous ſhortly to the meeting.

Q. Look at the advertiſement?—A. *(Reads)* "Sheffield Conſtitutional Society, 2d of April 1794."

Q. Was it ordered to be inſerted then?——A. Yes.

Q. Was Mr. Yorke at that meeting?—A. I am inclined to believe that he was.

Q. Was Mr. Gales there?——A. I believe he was.

Q. Who drew the form of the advertiſement?—A. It was brought to the meeting; the rough draft, perhaps, might be drawn?

Q. Who drew it?——A. Perhaps it might be Mr. Gales, I cannot exactly ſay.

Q. Have you any doubt in the world that it was Mr. Gales? A. By the concurrence of the committee then preſent, I ſuppoſe, he drew it up; I would not miſtake on any account, and I would not be preſſed to make a miſtake.

Mr. Law. If you have reaſon to believe it, ſay ſo.

Mr. Hotham. I object to the queſtion.

Mr. Juſtice Rooke. The queſtion is regular, and I can ſee no objection at all.

Mr. Hotham. It is aſking a queſtion as to his belief, without ſtating a ſingle circumſtance by which he believes it.

Mr. Juſtice Rooke. It is an objection that I muſt over-rule.

Mr. Wood. Do you believe Mr. Gales was not there?—A. No.

Q. Have you any doubt about it?—A. No.

Q. Who drew up the advertiſement?——I believe there was ſome part of it drawn in a rough curſory way.

Q. Was it agreed upon at that meeting?——A. Yes, Mr. Gales might correct it for his paper, perhaps;—I don't wiſh to go beyond the truth.

Q. Now, I believe, in conſequence of this advertiſemet, there was a meeting; was there not?—A. Yes.

Q. When was that meeting?—A. the 7th of April.

Q. Where was that meeting?—A. Upon the Caſtle Hill.

Q. Was Mr. Yorke at that meeting?—A. Yes.

Q. Was Mr. Gales there?—Yes.

Q. Was Daviſon there?—A. I do not recollect that I ſaw Daviſon.

Q. But you ſaw Mr. Gales there?—A. Yes.

Q. How many people might be aſſembled at that meeting?—A. Some thouſands; I cannot tell what number.

Q. How many people do you think were there?——A. There was thought to be a very large concourſe of people, ſome thouſands.

Q. Can you make a gueſs how many?——A. There might be five or ſix thouſand, more or leſs.

Q. Perhaps more; was it?—A. More or leſs, I cannot ſay.

Q. Had you had any previous meeting to conſider how you was to proceed at this meeting at the Caſtle Hill, to regulate what was to be done at it?—A. Yes, we had a meeting before.

Q. How had you agreed to proceed at that meeting before?—A. To petition the King for an unqualified abolition of the Slave Trade.

Q. Any thing elſe?——A. Yes, and other matters.

Q. At that meeting; was Mr. Yorke there?—A. Yes.

Q. Was Mr. Gales there?—A. Yes.

Q. Was Mr. Daviſon there?—A. I do not recollect ſeeing Mr. Daviſon.

Q. How did you agree to proceed?—A. It was agreed to petition the King, and a motion was to be made to petition the Par-

liament, and that was to be negatived to make room for petitioning the King.

Q. To petition the Parliament; for what?——A. For a reform in the repreſentation?

Q. And that was to be negatived?—A. Yes, to open a way for the petition to the King;—I looked upon it as ſuch.

Q. Who was it that was to make the motion?—A. I was to make the motion for petitioning Parliament.

Q. Was the petition to be to the Houſe of Commons, when you ſay Parliament?—A. Yes.

Q. You was to make the motion, and it was to be negatived? A. Yes; to make another in its room.

Q. And who was to addreſs the people upon the Caſtle Hill? A. Mr. Yorke, I ſuppoſe.

Mr. Juſtice Rooke. Was it agreed that Mr. Yorke was to addreſs the people on the Caſtle Hill?—A. Yes—It was expected.

Q. Was it agreed?—A. I heard it ſpoke by ſeveral perſons—I did not hear him ſpeak of it.

Mr. Wood. Was he deſired to do it?—A. I do not know.

Mr. Juſtice Rooke. Was it uttered loud enough for Mr. Yorke to hear it, when the people told you of it?——A. It was expected by the people in general.

Mr Wood. How many were preſent at the previous meeeting? A. There might be ten—or a dozen—or more.

Q. And you ſettled at that meeting how you were to proceed upon the Caſtle-Hill?—A. Yes, we had ſome converſation upon it.

Q. Now, then, let us hear how you proceeded upon the 7th of April?—A. You have the proceedings in a printed book.

Q. Does that book contain a true account of the proceedings?—A. Yes.

Q. Look at it.

Mr. Hotham. Was that printed from your copy?—A. No.

Mr. Hotham. Then I object to it.

Mr. Wood. How long before the 7th of April was it that this previous meeting was held?—A. Perhaps a few days—I do not exactly recollect how many.

Q. You aſſembled on the Caſtle Hill on the 7th of April?—A. Yes.

Q. What time of day was it when you went there?—A. I do not recollect the exact time.

Q. In the forenoon, I ſuppoſe?—A. No—I rather think in the afternoon.

Q. What time?—A. I do not recollect the hour.

Q. How did you proceed when you got there?—A. As they are contained in one of thoſe accounts.

Q. But I want to hear from you how you proceeded? who

was it took the pulpit or tribune?—A. There were three or four.

Q. Who firſt opened the meeting?—A. I do not know whether the meeting was not opened by reading the reſolves—I do not exactly recollect.

Q. Mr. Yorke was there?—A. Yes.

Q. Did he ſpeak?—A. Yes.

Q. Did he open the buſineſs?—A. I think not; I think, to the beſt of my recollection, Joſeph Gales or William Camage—I am not certain.

Q. Was the motion made that you had agreed upon?
A. Yes.

Q. Who made that motion?—A. I made the motion for the petition to the Houſe of Commons.

Q. And what was done upon your making that motion?
A. It was negatived.

Q. How negatived?——A. It was put and negatived.

Q. Who put it?——A. I put it.

Q. And who was it that negatived it?—A. I think either Joſeph Gales or William Camage.

Q. You think they gave the firſt negative?—A. I think ſo.

Q. Did any body elſe negative it?—A. It was negatived by the meeting when it was propoſed.

Q. Had you a pulpit or tribune carried there?—A. Yes.

Q. Where was it carried from?—A. I do not know.

Q. Was it newly made for the purpoſe?—A. I believe it was.

Q. And who was it that got into it?—A. There were three or four.

Q. Did you ſpeak?—A. I made the motion;—no more.

Q. Did Mr. Camage make a ſpeech?—A. He read ſomething.

Q. Mr. Yorke got into it?—A. Yes.

Q. He made a pretty long ſpeech, did not he?—A. Tolerable.

Q. What might be the ſubject; look at this printed account; is it the ſame?—A. There are ſome parts that are not in it, about Alfred and the Saxon laws.

Q. That is not inſerted in the account?—A. It is ſo long ſince I read this pamphlet, that I cannot ſay.

Q. Look at that? *(handing him another copy of it.)*
A. This has my direction to it.

Q. Who had it you from?—A. I received it at Mr. Gales's ſhop.

Q. Was you directed to ſend it any where?—A. Yes.

Q. Where was you to ſend it?—A. I ſent a number in a box.

Q. To ſome ſocieties in London?—A. Yes.

Q. How many might you ſend?—A. There was a ſmall box.

Q. Who did you direct them to?—A. To a variety of perſons—to the honourable Mr. Macleod.

Q. And here is one directed to the honourable Mr. Erſkine; the honourable Mr. Wharton?—A. I ſent a conſiderable number of them.

Q. By whoſe order did you ſend them?—A. There was one very active perſon gave me a number of names—they call him John Alcock.

Q. Did Mr. Gales give you any direction?—A. No.

Q. You got them at Mr. Gales's ſhop?—A. Yes.

Q. Mr. Gales was not with you when you wrote the direction? A. No.

Q. Did Mr. Gales ſay any thing to you about ſending them? A. No; I rather think I might receive them of a perſon that attended in the ſhop—I do not recollect that he gave me any.

Q. Mr. Gales did not know any thing about it?—A. I muſt not ſay that.

Q. You had them from his ſhop?—A. Yes, from the perſon in his ſhop.

Q. Did you ever have any converſation with Mr. Gales about your having ſent them?——A. I do not recollect any particular converſation with him about the matter. John Alcock gave me a number of names, and I lapped them up, and directed them according to thoſe names.

Q. Was there any order of the committee that they ſhould be ſent?—A. It is probable there was an order—I have not a doubt but there was, but not particularly as to the directions who to ſend them to.

Q. Was Mr. Gales one of the committee?——A. Yes he was—There were ſome perſons did not attend the committee.

Q. Do you know who it was that wrote the account of thoſe proceedings?—A. I only know from hearſay.

Q. Did you ever hear from Mr. Yorke?—A. He ſaid nothing to me upon the ſubject.

Q. Did you ever hear him ſay whether he meant to write an account of the proceedings?——A. I don't recollect hearing him ſpeak upon that head not in any particular converſation.

Q. Do you remember being in company with Mr. Gales and Mr. Yorke a few days after the meeting at the Caſtle Hill?—— A. I do not particularly recollect any ſuch circumſtance.

Q. Recollect what you have ſaid before, and recollect you are now upon your oath?—A. Very well, Sir; I am very careful; ſometimes I am not.

Q. Remember, and tell me, if you was in company with Mr. Gales and Mr. Yorke when any thing was ſaid reſpecting this matter?—A. After being confined ſix months, and not read theſe things, I do not recollect.

Q. Rub up your memory a little?—A. If I heard any thing ſaid upon that buſineſs, it was Mr. Gales requeſting Mr. Yorke to write ſomething about it; but there was very little ſaid; and I do not recollect Mr. Yorke ſaying a word in reply, or any thing about it.

Q. You remember ſome application then made by Mr. Gales to Mr. Yorke?—A. I recollect there was a ſmall ſentence of that kind.

Q. What was it?—A. Something about writing his ſpeech.

Q. What was to be done with it when written?——A. I ſold a number of them that I received at Mr. Gales's.

Q. You ſay Mr. Gales ſaid ſomething to him about writing his ſpeech; what was to be done with it when written; was any thing ſaid about printing it?—A. I believe it was with a view of having it printed: I believed it as ſuch; but I don't exactly recollect. I did ſell a parcel of them; and I muſt naturally ſuppoſe it—but I don't remember Mr. Gales and Mr. Yorke having any conference about it.

Q. Mr. Gales deſired Mr. Yorke to write his ſpeech?
A. I believe he did.

Q. Have you any doubt about that?—A. No, I cannot ſay I doubt about that.

Q. What was to be done with it when written?—A. I ſold a great number of them.

Q. Was it to be written for the purpoſe of being printed?
A. I ſhould ſuppoſe it was.

Q. Have you any doubt about that?—A. No.

Q. Then why hang about ſo much?—A. I wiſh to be careful.

Q. What was the anſwer Mr. Yorke gave?—A. I rather think he was ſilent upon it—it was very common for people to be ſilent upon a thing of that ſort; ſelf praiſe.

Q. Did he agree to what Mr. Gales deſired?—A. Silence gave conſent, if ſilence gives conſent.

Q. However, afterwards it was printed.

Mr. Hotham. Here is a publication, it is true, made; that publication may be made by Mr. Gales, without any thing coming from the defendant.

Mr. J. Rooke. That is a comment, and it is for you to make your obſervations upon it. If I am wrong, you will have your relief, you know, in another Court: you have an advantage here that you would not have if I was ſitting on the other ſide of the hall; and I wiſh you to bear that in mind throughout, that there is a ſuperior Court which will correct me if I am wrong.

Mr. Hotham. I am well aware of that, my Lord.

Mr. Wood. You had a great number of thoſe printed copies?
A. Yes; I received them of Mr. Gales, and ſold them myſelf.

Q. You have read that, I ſuppoſe?——A. Yes, I believe I may—but it is a long time ſince.

Q. Did you read any of thoſe which were ſent?—A. Yes.

Q. Does that contain a true account of the proceedings?

A. I cannot charge my memory with the ſubſtance of this ſpeech.

Mr. J. Rooke. When you read it near the time of its being publiſhed, did you then think it contained a fair account?

A. I thought at that time that there was a variation.

Mr. Wood. You thought there was ſomething ſpoken by Mr. Yorke that is not inſerted there?—A. Though there are ſome things, I cannot ſpecify the differences.

Q. But the difference you mean is, that there was ſomething omitted?——A. *I have not a doubt but there is ſomething there that he did not ſpeak*—I received them as the account of the proceedings, and ſold them as ſuch, and ſent them to London as ſuch.

Q. Something he ſpoke was not inſerted?—A. Yes.

Q. And I wiſh to know what that was?—A. I cannot tell—it was a twelvemonth ago ſince I read it, and I have been a priſoner ſix months.

Q. Is that in ſubſtance what he ſaid?—A. I have not read it this twelvemonth---a great part of it, I believe, is agreeable to what he did ſay.

Q. I will read then ſome parts, and ſee whether you recollect them or not.---" Fellow citizens, the day is at length arrived, " when fanaticiſm and ſuperſtition, deprived of their tinſel trap- " pings, and expoſed, in their native uglineſs, to the view of " mankind, ſlink ſcowling back to the cave of obſcurity; there, " I hope, they will ever remain. The energy of Engliſhmen " will no longer endure this ſtrange uproar of injuſtice. I truſt " my countrymen are ſick of religious and political impoſture, " and that their deciſive and manly conduct will command, in " an imperious tone, which will take no denial---not a meliora- " tion of thoſe enormous abuſes, which would be to compromiſe " with injuſtice; but I truſt they will demand the annihilation " of corruption and abuſes, and the reſtitution of the original " rights of human nature."---Do you remember that?—A. I cannot ſay with the greateſt exactneſs, but I remember ſomething *propos* to it—I believed this to be the true account when I ſold them, and ſent them, excepting little variations.

Q. This is a pretty remarkable paſſage.---" It muſt be grant- " ed, that this experience is important, becauſe it teaches the " ſuffering nations of the preſent day in what manner to prepare " their combuſtible ingredients, and Humaniſts in what manner " to enkindle them, ſo as to produce with effect that grand po- " litical exploſion, which, at the ſame time that it buries deſpo- " tiſm, already convulſive and agonizing, in ruins, may raiſe up " the people to the dignity and ſublime grandeur of freedom."

A. I do not particularly recollect that.

Q. Nothing like it, perhaps?——A. I think that is rather too coarſe—I think he ſpoke better than that.

Q. What do you recollect about the 558 gentlemen; I ſuppoſe you can recollect that?—A. I think I do recollect ſomething about it—but I cannot recollect that other paſſage which you laſt read.

Q. Do you recollect nothing of this political exploſion?
A. No.

Q. But you thought it a true account then?—A. It was nothing to me what deviations were made.

Q. Will you ſwear you did not hear it?—A. Yes—there may be ſpurious editions of men's works.

Q. Do you mean to ſwear there has been any ſpurious edition of this?—A. No.

Q. Now, about theſe 558 gentlemen—" When ſuch a revo-
" lution of ſentiment ſhall have diſperſed the miſts of prejudice;
" when, by the inceſſant thunderings from the preſs, the mean-
" eſt cottager of our country ſhall be enlightened, and the ſun
" of reaſon ſhall ſhine in its fulleſt meridian over us."

Mr. Hotham. I ought certainly to object to this mode of examination; it is putting the evidence into the mouth of the witneſs.

Mr. J. Rooke. Here is a publication which, he ſays, is ſubſtantially true; then they read particular paſſages, and aſk him whether theſe paſſages are ſubſtantially the ſame.

Mr. Yorke. I preſume, in the caſe of an examination of a witneſs for the Crown, he ſhould be aſked what paſſed, and not have words put into his mouth.

Mr. J. Rooke. The principle you muſt bear in your mind. The witneſs ſays, it is ſubſtantially what the defendant uttered: then they aſk him as to particular paſſages; did he utter this, and ſo on. Theſe queſtions are regular, having got the previous matter. As to your queſtions that may come hereafter, I cannot ſay a ſyllable to it; but ſo it ſtands at preſent.

Q. What do you ſay to this?—" Then the commanding
" voice of the whole people ſhall recommend the 558 gentlemen
" in St. Stephen's chapel to go about their buſineſs."
A. Something to the purport, I think, I did hear.

Q. Have you any doubt of the number?—A. I never heard of the number before.

Q. Have you never heard of St. Stephen's before?—A. Yes.

Q. Did you not hear it at that meeting?—A. I think I did.

Mr. J. Rooke. Do you mean to ſay you did not hear it then?—A. As I recollect I think I heard ſomething to the purport.

William Broomhead croſs examined by *Mr. Hotham.*

Q. Mr. Yorke was not a member of your ſociety?—A. I never gave him a ticket, and I was Secretary at that time.

Q. I believe you attended the committee of the members of that ſociety, Mr. Broomhead?—A. Yes.

Q. Mr. Yorke was not a member of the committee?—A. No.

Q. Then tell us of the agreement, and I would have you recollect yourſelf of the agreement on the 2d of April, for the purpoſe of inſerting an advertiſement to call a meeting on the 7th. I aſk you whether Mr. Yorke was not at that time at a diſtance from Sheffield?—A. It is poſſible that any man might make a miſtake—Mr. Yorke did not attend always—it is a thing I cannot exactly ſpeak to.—Why ſhould advantages be taken?—if I ſay he might, I cannot exactly recollect.—Why ſhould I be wanted on either ſide to ſpeak more than I can recollect?

Q. I wiſh you to recollect yourſelf now, whether Mr. Yorke was not out of Sheffield at the time when that advertiſement was agreed upon?—A. I do not recollect that he was, I know that during ſeveral meetings before I was taken up.—If I don't recollect what meeting he was abſent from, why am I to be preſſed in this way?

Q. Perhaps I may refreſh your memory a little, there was a meeting of the committee on the night when the advertiſment came out on the 3d of April?—A. I think there was.

Q. Now I aſk you, whether at that meeting a deputation was not agreed upon, by the members then preſent, to be ſent to Mr. Yorke; to acquaint him with what they had done, and to require his attendance at the meeting?—A. I may be wanting in my recollection as to that circumſtance: if perſons are brought here that can recollect the circumſtance, it will be well; but it is really painful to be preſſed ſo much on both ſides together, in London and here too.—I have had enough of it in London—I am ſick of this.

Q. Did he not ſay he could not attend, for they gave him no time to prepare himſelf. Do you recollect nothing of that ſort? A. I do not; I cannot ſay that I recollect the circumſtance, becauſe I have in ſome degree endeavoured to lay aſide all thoughts about it.

Q. You do not recollect his objecting to the meeting and ſaying it was wrong, and that it ought not to be, becauſe he had not time to prepare himſelf?—A. No, I cannot recollect it.

Q. With regard to the petition, you ſay a petition was agreed upon, a motion was made for a petition to the Houſe of Commons in order that it might be rejected!—A. Yes.

Q. I want to know when a motion is made,—it is generally ſeconded, is it not?—A. Yes.

Q. Every motion in your meetings was ſeconded before it was put?—A. Yes.

Q. You made the motion upon the Caſtle Hill for the purpoſe of having it negatived; was there a ſingle perſon ſeconded it? A. It was put and it was not carried.

Q. I wiſh to know from you, and I am ſure I only want to get the fact from you; you ſay the people of the committee agree to have a motion brought forward, which motion they agree ſhall be negatived and rejected; you tell us that by the courſe of your proceedings a motion muſt be ſeconded, in order to be put. Now, I aſk, was that motion ſeconded?—A. I cannot recollect; however it fell to the ground.

Q. Did any ſoul in that meeting ſecond it when you made your motion?—A. To the beſt of my recollection it was not ſeconded, but directly oppoſed;—it broke its neck, and ſo that is enough.

Q. Who oppoſed it?—A. You muſt aſk ſomebody elſe; you teaze me rather now.

Q. Was it oppoſed by Mr. Camage or Mr. Gales, or who? A. It was oppoſed by Mr. Camage, I believe.

Q. Was he a member of the committee?—A. Yes.

Q. Was Camage preſent at the time?—A. He underſtood it.

Q. And yet Camage, as ſoon as ever it was put, oppoſed it?—A. It was on purpoſe that it ſhould be oppoſed.

Mr. Juſtice Rooke. You ſay it was made on purpoſe to be rejected?—A. It was deſigned to be rejected before we went.

Q. You made it, knowing it would be rejected?—A. Yes, that is a fact.

Mr. Hotham. You ſay the committee agreed upon this. I aſk you if Mr. Yorke was preſent when that agreement took place?——A. I do not recollect Mr. Yorke being at that particular meeting;—particular meetings I cannot recollect exactly who is there, every identical perſon, unleſs I had the notes.

Mr. Juſtice Rooke. At the previous meeting, when the agreement was made, you ſwear that Mr. Yorke was there, recollect yourſelf?—A. *To the beſt of my recollection he had not any hand in that buſineſs, but Mr. Gales, I believe, had.*

Mr. Law. Was he preſent?—A. Matters that one cannot recollect,—it is quite painful to be pinched,—he frequently was abſent, and I cannot tell whether he was there or not.—I tell you I won't be pinched.

Mr. Law. No body wants to pinch you. We wiſh to hinder you from pinching yourſelf.

Q. You ſent a number of pamphlets to London?—A. Yes, to Mr. Wharton, Mr. Sheridan, and a great number.

Mr. Wood. You ſent one perhaps to Thomas Hardy, the Secretary of the London correſponding Society?—A Yes, I did.

Mr. Law. Who did the whole box go to, do you recollect?—

A. To one of the Secretaries, I think, either Mr. Hardy or Mr. Adams, I cannot tell which.

Mr. Law. Directed to Citizen Hardy; was it not?——*Mr. Hotham.* Aye, Citizen Hardy, if you pleaſe; I have no objection to the word.——My learned friend has read a paſſage out of a book, in which it ſays, "Fellow Citizens, the day is at length "arrived, when fanaticiſm and ſuperſtition, deprived of their "tinſel trappings, and expoſed, in their native uglineſs, to the "view of mankind, ſlink ſcowling back to the cave of obſcurity." I aſk you, upon your oath, whether any ſuch expreſſion as that was was made uſe of by Mr. Yorke in the ſpeech he uttered?—A. Why, you ſee, to be explicit, as to exactneſs of words, ſomething to the purport I have mentioned; I would not wiſh to ſwear exactly to words which I am not certain of.

Q. Did you hear any thing of tinſel trappings?—A. I heard ſomething *propos*.

Q. Did you hear any thing of ſlinking, ſcowling back to the cave of obſcurity?—A. Tinſel trappings I recollect better than the other; I do not recollect the term ſcowling at all.

Q. There has been another part that has been read to you, and you are aſked to recollect that part about the 558 Gentlemen in St. Stephen's Chapel; I repeat my former aſſertion,—"When "ſuch a revolution of ſentiment ſhall have diſperſed the miſts of "prejudice; when, by the inceſſant thunderings from the preſs, "the meaneſt cottager of our country ſhall be enlightened, and "the ſun of reaſon ſhall ſhine in its fulleſt meridian over us, then "the commanding voice of the whole people ſhall recommend "the 558 Gentlemen in St. Stephen's Chapel to go about their buſineſs." Now, I aſk you, whether the words "inceſſant thun-"derings from the preſs" were made uſe of?—A. If you take the whole together, certainly very good advice was given.

Q. Whether you will take upon you to ſay, ſtanding there, upon your oath, that ſuch words as "inceſſant thunderings" were made uſe of?—A. I cannot ſpeak to expreſs terms; but *propos*, ſomething like that, taking the whole together.

Q. I want to know whether you will ſwear, in that box, to ſuch an expreſſion made uſe of as "the commanding voice of the "people?"—A. I will not ſwear wrong if I know it; I do recollect ſome part of that ſentence; but with regard to every expreſſion contained in it, I cannot ſay;—taking the whole together, there is ſomething correſponding to what I heard; but as to ſwearing to any identical expreſſions, I am not come to do any ſuch thing.

Q. Do you remember any thing about "miſts of prejudice." Do ſhew how far you are a judge of the ſubſtance of a thing. Will you take upon you to ſay, that "the miſts of prejudice" were made uſe of in that ſpeech?—A. I will not ſwear to any particular expreſſion.

Q. Then all you mean to ſwear is, that this has ſome reſemblance, but how far you cannot take upon you to ſay. I aſk you, during that ſpeech, whether the general tendency of that ſpeech, which Mr. Yorke made upon the Caſtle Hill, was of a peaceable nature, or tending in any manner to inflame the people?——A. He never ſpoke but always to peace and order, and *accordingly we have had order and peace*;—nobody ever ſpoke to adviſe contrary to peace and order.

Q. You have had no diſturbance at Sheffield?—A. No;—they cannot make us do it at Sheffield, we know better.

Q. When Mr. Yorke had occaſion to ſpeak of the Conſtitution, did you ever hear him ſay any thing againſt the Conſtitution of the country, as eſtabliſhed by King, Lords, and Commons?—A. Never any thing againſt the Conſtitution, but for it, according to its original principles; but with regard to what is looked upon as corruption in that Houſe reſpecting places and penſions, I do not know what I have heard him ſpeak againſt that.

Q. Do you know any thing of Mr. Yorke firſt coming among you being ſent for?—A. No; I am a ſtranger to that.

Q. But his doctrine, you ſay, was always peaceable, and tended to good order?——A. Yes, but frequently nervous.

Q. Did he recommend peace and good order?——A. Nothing but peace and good order.

Q. And you ſay he extolled the Conſtitution in its original purity?—A. Yes.

Mr. Wood. You have read this ſpeech?—A. Yes, a long while ſince.

Q. You conſider all this ſpeech as being advice to peace and good order?—I do not know any thing about that paper.

Mr. Hotham. I will aſk you one queſtion---Did you conſider that ſpeech that you heard upon the Caſtle Hill as tending to peace and good order, or otherwiſe?—A. All things may be known by their effects.

Q. Did you conſider that ſpeech as a peaceable ſpeech, and not tending in any manner to the reverſe?——A. I did; it was never in Mr. Yorke's power, or any body elſe, to attempt to breed diſturbances.

Q. Did he attempt it?—A. No; if he had, it would not have been in his power to have done it.

Q. But you have no idea that it was his intention?—A. No.

Mr. Wood. You have read this printed ſpeech?—A. Yes, a long while ſince.

Q. That is your idea of an advice to peace and good order?—A. I told you before there were deviations from the ſpeech and that pamphlet.

Q. From what you have read of it, do you ſo conſider it?—A. There may be ſome deviations.

Q. You ſent copies to Mr. Hardy, to Mr. Adams, and ſo on; all that, then, in your idea, is an advice to people to be orderly and

peaceable?—A. We always were orderly; the general tenor of it was; I will not ſay that he may not have uſed an expreſſion that is not right; the general tenor of what he ſaid tended, I know, to peace and good order.

Q. Do you conſider this pamphlet as an advice to peace and good order?——A. There is ſuch advice in it, I apprehend.

Q. You conſider that to be the general tendency of it?—A. When I ſaid that, I ſpoke of the ſpeech.

Q. The ſpeech as printed?—A. There are ſome ſmall deviations, I am ſure of it.

Mr. Juſtice Rooke. Do thoſe deviations alter the general tenor of the ſpeech?—A. If I could recollect with exactneſs, I ſhould be happy to ſpeak to exactneſs.

Mr. Juſtice Rooke. What did you think when you firſt read the pamphlet?—A. I am not a lawyer, my Lord, I am a plain man, I do not recollect any thing particular.

Q. Did you find fault with the pamphlet in your own mind, as being an unfair repreſentation of Mr. Yorke's ſpeech?—A. I had exceptions to ſome paſſages, but I do not ſo particularly recollect at preſent what thoſe deviations were.

Q. Did you think, upon the whole, it was nearly a fair repreſentation?—A. nearly ſo.

Q. Did you think the ſpeech, as publiſhed, was a ſpeech tending to peace and good order?—A. He never omitted giving advice to peace and good order; I did not examine it with a nice critical eye, but read it ſlightly over.

Q. You thought the ſpeech you read had that tendency?—A. The people were always adviſed to peace and good order.

Q. But you thought the ſpeech uttered by the defendant had a tendency to peace and good?—A. Yes.

Q. Did this publication appear to you to be ſuch an unfair repreſentation as to alter the tenor of it?—A. I cannot ſay.

Mr. Law. We ſhall now read thoſe paſſages from the ſpeech which are ſtated in the record.

The clerk reads. "Proceedings of the Public Meeting held at Sheffield in the open air, 2d April, 1794; and alſo an Addreſs to the Britiſh Nation, being an expoſition of the motives which have determined the people of Sheffield to petition the Houſe of Commons no more on the ſubject of Parliamentary Reform.

"Fellow Citizens, the day is at length arrived, when fanaticiſm and ſuperſtition, deprived of their tinſel trappings, and expoſed in their native uglineſs to the view of mankind, ſlink ſcowling back to the cave of obſcurity; there, I hope, they will for ever remain."

Mr. Hotham. If your Lordſhip admits that as the ſubſtance of the ſpeech, extracts muſt not be read from it; but the whole ſhould be read, if your Lordſhip thinks there is evidence ſufficient to admit the reading of it at all.

Mr. Law. Certainly you have a right to have the whole of it read.

Mr. Juſtice Rooke. You ſhould have it read now, or not at all, becauſe it will ſave time.

Mr. Yorke. My Lord, as to the ſaving of time, the reading of the pamphlet will occupy no more time an hour hence than at preſent; I conceive it will not be ſo well for me to have it read now as afterwards, becauſe I have a very reſpectable maſs of evidence, who will give the lie direct to theſe paſſages libelled; that done, the whole may be read, in order that the Jury may be appriſed of the context, for there are ſome very good ſentiments in it.

The clerk goes on reading. "The energy of Engliſhmen will no longer endure this ſtrange uproar of injuſtice. I truſt my countrymen are ſick of political and religious impoſture, and that their deciſive and manly conduct will command in an imperious tone, which will take no denial, not a melioration of theſe enormous abuſes which would be to compromiſe with injuſtice; but I truſt they will demand the annihilation of corruptions and abuſes, and a reſtitution of the original rights of human nature.

"The governments of Europe preſent no delectable ſymmetry to the contemplation of the philoſopher, no enjoyment to the ſatisfaction of the citizen. A vaſt deformed and cheerleſs ſtructure, the frightful abortion of haſte and uſurpation preſents to the eye of the beholder no ſyſtematic arragement, no harmonious organization of ſociety. Chance, haſte, faction, tyranny, rebellion, maſſacre, and the hot inclement action of human paſſions, have begotten them. Utility has never been the end of their inſtitution, but partial intereſt has been its fruit. Such abominable and abſurd forms, ſuch jarring and diſſonant principles, which chance has ſcattered over the earth cry aloud for ſomething more natural, more pure, and more calculated to promote the happineſs of mankind.

"It muſt be granted, that this experience is important, becauſe it teaches the ſuffering nations of the preſent day in what manner to prepare their combuſtible ingredients, and Humaniſts in what manner to enkindle them, ſo as to produce with effect that grand political exploſion, which, at the ſame time that it buries deſpotiſm, already convulſive, and agonizing in ruins, may raiſe up the people to the dignity and ſublime grandeur of freedom.

"Citizens, I repeat my former aſſertions. Go on as you have hitherto done, in the culture of reaſon. Diſſeminate throughout the whole of your country that knowledge which is ſo neceſſary to man's happineſs, and which you yourſelves have acquired. Teach your children and your countrymen the ſacred leſſons of virtue, which are the foundations of all human polity. Teach

them to reſpect themſelves, and to love their country. Teach them to do unto all men as they would that they ſhould do unto unto them, and their love ſhall not be confined to their country, but ſhall extend to the whole human race. When ſuch a revolution of ſentiment ſhall have diſperſed the miſts of prejudice, when, by the inceſſant thunderings from the preſs, the meaneſt cottager of our country ſhall be enlightened, and the ſun of reaſon ſhall ſhine in its fulleſt meridian over us, then the commanding voice of the whole people ſhall recommend the 558 Gentlemen in St. Stephen's Chapel to go about their buſineſs."

" Convinced of this truth, it is the opinion of this meeting, that the people ought to demand as a right, and not petition as a favour, for univerſal repreſentation. That therefore we will petition the Houſe of Commons no more on this ſubject.

" As we ourſelves feel, we are naturally led to ſympathize with thoſe who feel alſo, wiſhing to be rid of the weight of oppreſſion under which we groan, we are induced to compaſſionate thoſe who groan alſo, and to deſire an alleviation of their ſufferings. On our own account we have repeatedly petitioned the Lower Houſe of Parliament, but petitioned in vain. We are weary of the practice. We are diſguſted to hear the hallowed name of liberty made the ſport of corrupt placemen; and we are ſhocked to ſee, that, in the practice of legiſlation, humanity is but a name. We are now petitioning not for ourſelves, but for others; for thoſe whoſe ſorrows harrow up the feeling ſoul"———

Mr Yorke. The part that is now reading is not in the indictment.

Mr. Law. Then it certainly ſhall not be read.

William Camage ſworn. Examined by *Mr. Topping.*

Q. You live at Sheffield?—A. Yes.

Q. How long have you lived there?—A. About five years.

Q. You was, I believe, a member of the Conſtitutional Society at Sheffield?—A. I was.

Q. In that ſociety there was alſo what was called a committee? A. Yes, there was at one time; it might be about the beginning of 1793.

Q. I believe you was their Secretary?—A. I was about ſix months the latter end of that year, and I ceaſed to be Secretary about the beginning of 1794 again.

Q. Was you Secretary of this ſociety at the time you was a committee man?—A. No, I was not.

Q. Was you a committee man before you was Secretary, or Secretary before you was a committee man?—A. I was a committee man before I was Secretary.

Q. Was you a committee man after you was Secretary?—No.

Q. When did you ceaſe to be a committee man altogether?—A. I cannot ſpeak to the time.

Q. Did Broomhead ſucceed you as Secretary?—A. Soon after.

Q. Do you remember the defendant, Mr. Yorke, being at Sheffield?—A. Yes.

Q. Did you ſee him previous to the beginning of 1794?—A. The firſt time I ſaw him was at one Cawthorne's, an inhabitant of Sheffield.

Q. At what time?—A. Sometime in 1793, I think it was.

Q. Was it at the beginning or latter end of 1793?—A. I believe about the middle of it; but it is ſo long back that I cannot recollect.

Q. Did Mr. Yorke attend any of theſe meetings of the Conſtitutional Society in 1793?——A. I remember ſeeing him at a meeting at the Barrel, in Sycamore-ſtreet.

Q. Did he attend any meeting of the ſociety in 1794?—A. Yes, at the Caſtle Hill.

Q. Do you remember any meetings at which he was preſent previous to that?—A. No.

Q. Was Mr. Yorke a member of the Society?—A. I don't know that he was.

Q. Was Gales, the printer in Sheffield, a member?——A. I underſtood he was.

Q. You have ſeen him there, have not you?—A. Yes.

Q. He was a committee man alſo, I believe?—A. He was.

Q. Although Mr. Yorke was not a member, that you know of, you have ſeen him at the ſociety?—A. Yes.

Q. What did he do there?—A. Sometimes he ſpoke at the Barrel, in Sycamore-ſtreet.

Q. Did he do what other perſons did who were members of the ſociety?—A. What is that——paying the contribution?

Q. Did he pay any contribution?—A. I don't know; he ſpoke in the ſocieties.

Q. Do you recollect this meeting at the Caſtle Hill?—A. Yes.

Q. Had you ſeen Mr. Yorke and Gales together, previous to that meeting?—A. Yes.

Q. Had you been with Mr. Yorke and Mr. Gales, previous to that meeting?—A. Yes.

Q. Did you receive, either from Mr. Yorke or Mr. Gales, any reſolutions to be put at that meeting?—A. I received the reſolutions from Mr. Gales.

Q. Was Mr. Yorke preſent at that time—A. He was.

Q. What was to be done with thoſe reſolutions which were given you by Gales when Mr. Yorke was with him?——A. I was requeſted to go down to Gales's houſe, and I went down previous to that meeting, and received the reſolves from Gales, and I was requeſted to read the reſolves to the meeting.

Q. Was Mr. Yorke preſent at that time?—A. He was.

Q. At what time did that meeting take place?——A. Near about noon, about one or two o'clock.

Q. Was it a very numerous meeting?—A. Yes, there was a good deal of company.

Q. Many thouſand people, I believe?—A. Yes, ſome thouſands were there.

Q. Who acted as the Chairman of that meeting?——A. Mr. Henry Yorke.

Q. What ſort of a ſituation was he placed in?—A. Upon an eminence, a form made for the purpoſe.

Q. What did you uſe to call it?—A. At Sheffield, we called it a Tribune.

Q. Then Mr. Yorke took his place in this Tribune?——A. Yes.

Q. At this meeting, at which he was chairman, before he put the reſolutions, do you remember any motion being made by Broomhead about a petition to Parliament?——A. I recollect ſomething of Broomhead making a motion for petitioning Parliament.

Q. That motion was rejected, I believe?—A. Yes.

Q. You have ſeen thoſe reſolutions, I believe ſince, in print? A. I have heard them read in print.

Q. I will read them to you again. "Convinced of this truth, "it is the opinion of this meeting, that the people ought to "demand, as a right, and not petition, as a favour, for univer-"ſal repreſentation?"—A. That is the firſt.

Q. You do not mean the firſt in order?---A. No, that was one.

Mr. Hotham. I ſubmit to your Lordſhip; he ſhould be aſked what the reſolutions were, and not have them read to him.

Mr. Juſtice Rooke. He was examined to that firſt.

Mr. Topping. To accommodate Mr. Hotham, I will put it another way.—What was the ſubject of thoſe reſolutions that were given you by Mr. Gales and Mr. Yorke?——

Mr. Juſtice Rooke. You have certainly a right to put thoſe reſolutions into his hand.

Mr Topping. (Reads). "That therefore we will petition the "Houſe of Commons no more upon this ſubject." Is that another of thoſe reſolutions?—A. Yes.

Q. Thoſe reſolutions, ſo put by you, were they carried or negatived?—A. They were carried.

Q. Unanimouſly, I take it for granted?—A. Nearly ſo.

Q. Mr. Yorke made a ſpeech that day, I believe?—A. He ſpoke at the Caſtle Hill meeting.

Q. A pretty long ſpeech, I believe; was it not?—A. Yes.

Q. Was Gales at the meeting?—A. Yes.

Q. You was at the meeting?—A. Yes.

Q. And Broomhead was at the meeting?—A. Yes.

Q. You ſaw an account of Mr. Yorke's ſpeech ſoon after the meeting?—A. Yes, but did not read it; I was taken up ſoon after.

William Camage croſs examined by *Mr. Hotham.*

Q. You was preſent upon the Caſtle Hill at the ſpeech of Mr. Yorke?—A. Yes.

Q. What was the general tendency of that ſpeech; was it tending to peace and good order, in your conception, or for the purpoſe of inflaming the minds of the people?—A. Every part of his ſpeech recommended peace and good order to the people, that was what I always underſtood to be his conduct.

Q. Do you recollect any thing in that ſpeech about levelling principles?—A. No, I do not.

Q. You have told us that the thing in which Mr. Yorke ſtood was called a Tribune?—A. We, among ourſelves, gave it that name.

Q. Did you ever hear Mr. Yorke call it ſo?——A. I don't know that I ever heard any thing of that ſort from Mr. Yorke.

Q. Did Gales, at the time that he gave you the reſolutions, read them over to you in the preſence of Mr. Yorke, or did he give you the reſolutions and deſire you to propoſe them?—A. He gave them me, and deſired me to propoſe them, and read them over myſelf before the meeting.

Q. So that Mr. Yorke ſaid nothing, but Gales gave you them; were they read over in the preſence of Mr. Yorke?—A. No.

Q. Do you know how it happened that Mr. Yorke firſt came among you?—A. I cannot ſpeak to that ſubject.

Q. Do you know any thing of the Derby Society?—A. Yes, I have heard tell of the Derby Society.

Q. Did you ever ſend any circular letter to the Derby Society? A. I heard that letters were ſent, but not to my knowledge, I had no concern in the buſineſs.

Q. What was your idea about the duration of the Houſe of Commons before Mr. Yorke came among you?——A. We thought the preſent ſyſtem of the Houſe of Commons a great grievance, as to their ſeven years duration.

Q. Was, or was not, the Conſtitutional Society that was inſtituted at Sheffield, for the purpoſe of reforming ſuch abuſes in the Houſe of Commons, or for what purpoſe was it?—A. For the purpoſe of reforming the Houſe of Commons, and nothing elſe.

Q. During the time you was a member of it, did you ever collect any deſign to overturn the conſtitution of the country?

A. Never.

Q. Nor any deſign of bringing about their intention by force of arms or violence?—A. Certainly not.

Q. Then in what way did you underſtand they meant it ſhould be brought about?——A. By diffuſing knowledge among the people.

Q. But you never heard from any of the members of that ſociety, nor ever thought while you was a member of it, that violence was intended towards any part of the government?

A. Never; if I had I ſhould not have continued in the ſociety.

Q. Had you an opportunity of ſeeing Mr. Yorke more than once at Sheffield?—A. Two or three times.

Q. Did you ever hear from Mr. Yorke in your life any expreſſions againſt the conſtitution of this country?——A. Never in my life.

Q. Now, I aſk you, whether you have not heard Mr. Yorke, in expreſs words, commend the conſtitution of the country as it was originally formed?—A. I have heard him ſpeak well of the conſtitution when reformed.

Q. Do you mean the conſtitution by King, Lords, and Commons?—A. Yes.

Q. Did you ever hear him ſay, or infer from any thing that fell from him, that he had any wiſh or intention that the Houſe of Commons ſhould be totally aboliſhed?—A. No, never.

Q. All that you underſtood Mr. Yorke to mean was, to bring about a reform in Parliament?—A. Nothing more.

Q. And that by peaceable means?—A. Yes.

Mr. Topping. Perhaps you remember the expreſſion about the 558 gentlemen going about their buſineſs?—A. I do not recollect—ſomething of that kind was ſaid, but I cannot ſpecify the words.

Q. You ſay this was called a Tribune among yourſelves, but you did not hear Mr. Yorke call it ſo?—A. Yes.

Q. Your members when they wanted to ſpeak always went into it?—A. Yes.

Q. You do not mean to ſay that you abſtained from calling it a Tribune when he was there?—A. No.

Q. Do you mean to ſay, that when Gales gave you the reſolutions, Mr. Yorke did not look them over in your preſence?—A. I do not know that he did—the perſon that brought me there will be examined, and he was preſent at the ſame time.

Q. Remember you have been examined before, and recollect yourſelf—you were deſired to go down to Gales's to receive theſe reſolutions?—A. Yes.

Q. You found Mr. Yorke and Mr. Gales together?——A. Yes.

Q. Now, I aſk you, whether Mr. Yorke looked them over or not?—A. To the beſt of my recollection now, he did not in my preſence.

George Widdeſon ſworn. Examined by *Mr. Johnſon.*

Q. Where do you live?—A. At Woodhall, within ten miles of Sheffield.

Q. Was you at any time a member of the Conſtitutional Society at Sheffield?—A. Yes.

Q. How long was that ago?—A. A year and a half back, I think.

Q. How long was you a member?—A. Two or three years.

Q. How long is it ſince you ceaſed to be a member?——A. About a year and a half ſince.

Q. Did you ever attend any of the meetings of that Society? A. Several.

Q. Where did you hold thoſe meetings?—A. In different places—ſometimes at one houſe, and ſometimes at another.

Q. Name any of the houſes where your meetings were held in November 1792?—A. I cannot recollect, we had them at ſo many different places.

Q. During the time you was a member of this Society, was you appointed to any ſituation?—A. I was a Delegate at one time.

Q. For what was you a Delegate?—A. For one of the diviſions.

Q. Do you remember at any of the meetings that you attended ſeeing Mr. Yorke there?—A. Yes, I have ſeen him at ſeveral—I don't know that I was a Delegate at the time I ſaw him.

Q. Where was the meeting held that you ſaw him at firſt?—A. I think the firſt meeting I ſaw him at was in Queen-ſtreet.

Q. Was the meeting pretty numerous?—A. Yes, I think the room was pretty well filled—perhaps there were two or three hundred people.

Q. Was there any chairman?—A. He was the only chairman.

Q. What year was that in?—A. Two or three years ago, I think in 1793.

Q. You was a hairdreſſer by trade, was not you?—A. Yes.

Q. You was employed by Mr. Yorke as a hairdreſſer at Sheffield?—A. Yes.

Q. You frequently dreſſed his hair?—A. Yes.

Q. Had you any converſation with him while you was dreſſing his hair?—A. Yes, frequently.

Q. Was you preſent at any meeting at the Caſtle Hill on the 7th of April?——A. I was.

Q. Did you ſee Mr. Yorke there?——A. Yes.

Q. Did you ſee Gales there?—A. Yes, I believe I ſaw Gales there too.

Q. Was Daviſon there?—A. I cannot recollect.

Q. Did you hear Mr. Yorke ſpeak that day?——A. Yes.

Q. Do you recollect any thing he ſaid?——A. Very little.

Q. Did you ſee him at any time after the ſpeech?—A. Yes, I ſaw him after the ſpeech.

Q. Had you any converſation with him after the meeting?—A. Yes.

Q. About his ſpeech?—A. I think he aſked me once how the people ſeemed to approve of it.

Q. Did he ſay he was doing any thing about the ſpeech himſelf?—A. He aſked me what the people thought of it; and I ſaid there were various opinions.

Q. Had you ever any converſation with him about the writing of that ſpeech?—A. I do not rocollect that I had.

Q. You don't recollect that he ever told you he was writing an account of his ſpeech?—A. I cannot ſay particularly; it is a long time ſince—I cannot charge my memory particularly.

Q. Did he, or did he not, tell you that he was writing an account of his ſpeech on the Caſtle Hill—recollect what you have ſworn before?—A. I cannot recollect it.

Mr. Juſtice Rooke. You ſhould aſk him, did he or not ſay he would publiſh his ſpeech?—A. It is ſo long ſince I cannot charge my memory with it; he told me that he was writing extracts from Mr. Locke.

Mr. Juſtice Rooke. Did he ſay whether he was writing any account of his ſpeech or not?—A. I cannot recollect.

Mr. Johnſon. Was you not examined before Mr. Ford in London?—A. Yes.

Q. Do you recollect in the courſe, whether you did not ſay that Mr. Yorke told you he was writing his ſpeech?—A. I cannot ſay.

Q. Will you ſwear that you did not?—A. No—nor I will not ſwear that I did.

Mr. Yorke. Were you a member of the committee when I was ever there?—A. No, I do not recollect that I was.

Mr. Juſtice Rooke. You were at the meeting?—A. Yes.

Q. And you dreſſed him afterwards?——A. Yes.

Q. He aſked you what people ſaid of his ſpeech?—A. Yes.

Q. What anſwer did you give him?—A. I ſaid there were various opinions of it—I don't recollect any more converſation about it.

Q. Will you ſay upon your oath he never ſaid any thing to you about printing?—A. I anſwered that queſtion before, and I cannot anſwer it more fully.

Q. Will you ſay upon your oath he never did ſay any thing about it?—A. It is ſo long ſince, I cannot charge my memory with it.

Mr. Yorke. I would aſk you, whether on, before, or after the 7th of April my ſpeeches were ſuch as tended to vilify or traduce the Houſe of Commons?—A. No, I cannot ſay any further than the corruption that had been introduced into it.

William George Frith ſworn. Examined by *Mr. Law.*

Q. I believe you are a ſurgeon, and live at Sheffield?—A. Yes.

Q. Did you go on the 7th of April 1794 to the meeting on the Caſtle Hill?—A. I did.

Q. Did you ſee Mr. Yorke, who ſits there, at that meeting? A. I did.

Q. Where did you ſee him?——A. I ſaw him at firſt ſtanding by the ſide of a deſk, on which Camage ſtood, reading an addreſs to be preſented to the King, concerning Muir, Palmer, Skirving, Margarot, and Gerald, who had been convicted at Edinburgh, and ſentenced to tranſportation.

Q. He was ſtanding by the ſide of a deſk; was that what they called the Tribune?—A. Yes.

Q. After Camage had read that addreſs, what part did Mr. Yorke take in the buſineſs of the day?—A. After that had been read, Mr. Yorke got upon this ſame tribune, and made a ſpeech to the populace, who were there in conſiderable numbers.

Q. A great many queſtions have been aſked as to the tendency of his ſpeech, what was, in your judgment, the tendency of that ſpeech—was it in favour of good order, peace, and good government?—A. The firſt ſpeech (for I heard two) related entirely to thoſe people on whoſe account the petition was agreed to be preſented to the King.

Mr. Juſtice Rooke. I don't think we have any thing to do with that.

Mr. Law. They are both in this book, my Lord.

Q. State what you can confidently, from memory, to have been the very words, as nearly as may be; if not, give us the ſubſtance?—A. He mentioned the packing of juries; that the trial by jury was become a mere form of law; that Government packed, or could pack juries as they pleaſed; that he himſelf had juſt returned from Lancaſter, and was implicated himſelf in a trial there, reſpecting a Mr. Walker of Mancheſter: he ſaid, the jury or the people who were to try them there, were the creatures of Government, and would have paſſed ſentence, if the perjury of the informer had not been ſo evident, that the vile tools of Government themſelves were aſhamed of it; and he was ordered by the Court to be tried for perjury.

Q. What did he ſay reſpecting petitioning Parliament for a reform?—A. After he had made a very eloquent ſpeech upon the firſt occaſion, ſome reſolutions were read by Camage from a written paper; and afterwards Broomhead aſcended this ſame tribune, or ſtool, or whatever it may be called, and made a motion, that a petition be preſented to Parliament for a reform in the repreſentation of the people. The words of this were repeated two or three times. After ſome time, no one ſeconding

the motion, Mr. Yorke aſcended the tribune. He ſaid, he was extremely glad that that meeting was ſo enlightened, that not one was found to ſecond ſuch a motion. Indeed, if any one had done ſo, he ſaid he ſhould have oppoſed it; for he was convinced they might apply for eternity to Parliament, and they would never have redreſs, or words to that effect. I don't mean to ſay they were the very words; and indeed he ſaid the idea was abſurd to petition a corrupt body to remove itſelf, and appoint another in its place.

Q. Did you ſee this publication when the impreſſion was freſh upon your memory?—A. Yes, in leſs than a fortnight after.

Q. Did you ſee different accounts of the ſpeech?—A. No.

Q. Did the printed account, which you ſaw in ſubſtance, tally, ſome omiſſions excepted?—A. As far as it went, the ſpeech that he made is principally contained in that which is called in that book "an Addreſs to the Britiſh Nation:" in ſome inſtances, the preciſe words; and in all, the ſenſe.

Q. Then, according to your recollection of the ſpeeches, was the ſpeech as uttered, or the ſpeech as publiſhed, of the moſt miſchievous tendency?—A. There are ſome words in the addreſs not the ſame as in the ſpeech; but Mr. Yorke's energy, his eloquence, his action, and his manner, made a much greater impreſſion than it could poſſibly do by reading.

Q. Were the expreſſions of the one more dangerous than of the other?—A. The one was more violent than the other.

Q. Be ſo good as ſtate what parts of the ſpeech are not in this printed account?—A. After the motion was made, and Mr. Yorke had aſcended the chair, or the ſtool, he ſaid, that they had preſented a petition, the nature of which they all knew, to the Houſe of Commons, which was diſdainfully rejected; but had his advice been followed at that time, that petition, inſtead of being worded in the humble form of a petition, would have been couched in the manly ſtrain of remonſtrance, or to that effect.

Mr. Juſtice Rooke. What petition was that?—A. A petition that had been preſented from Sheffield the year before.

Mr. Law. Go on, Sir?—A. He proceeded to ſtate, that the people were the real and true Sovereigns; that the Government was made for them; and that the Sovereign people diſgraced itſelf by petitioning. Indeed, he ſaid, he was preſent in the lobby of the Houſe of Commons when the petition from Sheffield was preſented; and he burnt with indignation at the treatment it received. He ſaid, that it was ſaid by a member of that Houſe, Windham, that the minority of the people only ought always to govern. He ſaid, he agreed with him that they ought only to govern themſelves.

Q. Did he ſay who were the majority?—A. He ſaid the will of the people is the ſupreme law: he aſſumed that as a prin-

ciple, and he ſaid the welfare of the people was the ſupreme law. He ſaid that petition was rejected, becauſe it was worded in too rude and coarſe a manner for them. He ſaid, as their petition had been rejected, they ſhould trouble them no more with ſuch language; they thought they had put it in plain language, very fit for them, as they were mechanics; that they would trouble them with it no more: he ſaid it was their duty, as they had been enlightened themſelves, it was their duty to give that information to their enemies; that the progreſs of truth and reaſon were irreſiſtible; and he requeſted that they would go on, every man enlightening his neighbour; that they would inſtruct them in the country places round about; and when, as would ſhortly be the caſe, (for nothing could ſtop the progreſs of reaſon) a complete revolution of ſentiment had taken place, the commanding voice of the people would turn out the 558 gentlemen, in a ſneering manner—turn out the 558 gentlemen in St. Stephen's chapel, and ſend them about their buſineſs.

Q. Was his voice and geſture, upon that occaſion, the voice and geſture of a man ſpeaking with reſpect or contempt of the body of the Houſe of Commons?—A. Certainly, with no degree of reſpect.

Q. Was it the contrary?—A. Yes.

Q. Was there any particular geſture that accompanied that about the Gentlemen going about their buſineſs?—A. He made a ſort of a half pauſe; he ſaid "turn out the 558 Gentlemen, "in St. Stephen's Chapel, and ſend them about their buſineſs."

Q. Conveying to your mind the idea of a ſneer?——A. Yes, and muſt have done ſo to every man who heard it.

Q. Will your memory ſerve you to relate any other parts of this extraordinary ſpeech; was any thing ſaid about arms?——A. Yes, he ſaid the people had a right, by the Bill of Rights, to have arms, and requeſted that they would arm themſelves.

Q. Have you any doubt that he ſtated that, and recommended to them to arm themſelves?—A. I am quite poſitive of it.

Q. Did he ſay any thing about Alfred?—A. Yes, he ſaid it was a meeting of the nation itſelf, for that they had a right to aſſemble on Saliſbury plain.

Q. Did he ſay how they aſſembled there?—A. Armed.

Q. He recommended them to provide themſelves with arms? A. He did; that the people of this country had a right, by the Bill of Rights, to meet armed.

Q. Do you recollect any thing being mentioned about combuſtibles?—A. I remember his ſpeaking about producing a grand exploſion to overthrow deſpotiſm, and to eſtabliſh freedom among all the nations in the world.

Q. Do you recollect any mention of combuſtibles?—A. I do not recollect it at preſent; in one part of his ſpeech he ſaid, you behold before you, young as I am, about 22 years of age, a man

who has been concerned in three revolutions already;---who, though late, aſſiſted the revolution in America;---who ſo eſſentially contributed to that in Holland;---who has materially aſſiſted in that of France;---and who will ſtill continue to cauſe revolutions all over the world.

Q. You were aſtoniſhed that ſo young a gentleman had been ſo well employed?—A. I did not know his age till he ſaid it himſelf.

Q. Do you recollect any thing particular beſides?—A. I cannot recollect the things exactly in the ſeries in which he delivered them. He ſaid, perhaps, for my exertions this day, in the cauſe of liberty, I ſhall be ſent to the Baſtile, commonly called the Caſtle of York, and at laſt, perhaps, hung up in this place; that his chains would be to him chains of gold, or precious ſtones, or ſome kind of pleaſing idea, garlands of flowers, or ſomething of that ſort, an high flown expreſſion to convey tranſports.

Q. Do you remember this; a man in poſſeſſion of this virtuous principle feels delight, while burning in the brazen bull of Phalaris?—A. I remember ſomething of that ſort; and he ſaid he ſhould be enrolled as a martyr of liberty.

Q. By whoſe means did you get this ſpeech?---A. From a perſon in Sheffield; I ſaw it about a fortnight after the ſpeech was uttered.

Q. We have been aſked, on the other ſide, what was the tendency of the ſpeech?---What was the object of that ſpeech as far as you could collect?---A. The object was that they ſhould no longer apply to Parliament, and that they were entitled to reſpect on account of their numbers, and that it was their indiſpenſible duty to convey the knowledge they had received.

Q. Was it an exhortation to peace and order?---A. He did not deſire them to riot or any thing.

Q. And that he expected, perhaps, that he ſhould be conveyed to the Caſtle of York for what he was then uttering?---A. Yes; and he ſaid there were many, perhaps come from motives of curioſity, others from the more criminal motive of ſpies and informers; but I would have ſuch to know, that I am prepared for them, that he was pretty well acquainted with the Engliſh law, that he would take care they ſhould not take advantage of him.

Q. Was any thing more ſaid about the right of the ſoveriegn people to puniſh?---A. He ſaid they delegated their authority; that government were their creatures, and that if they abuſed that authority they were liable to be puniſhed, as guilty of high treaſon againſt the majeſty of the people.

Q. There is a gentleman of the name of Taylor here, you had ſome converſation with ſhortly after that meeting?---A. Yes.

Mr. Law. It will not be competent to me to aſk as to that point.

William George Frith, croſs examined by *Mr Yorke*.

Q. You call yourſelf a man of exceeding good memory?---A. Yes.

Q. What are you?---A. A ſurgeon.

Q. Then you call yourſelf a literary man?---A. Perhaps in ſome degree.

Q. A ſcholar?---A. Yes.

Q. You underſtand Latin?---A. Yes.

Q. Being a ſurgeon, of courſe, you have read Hippocrates?---A. Part of it.

Q. Galen and Paracelſus, of courſe: you are a very learned ſurgeon indeed.

Mr. Juſtice Rooke. You cannot go into evidence of that kind.

Mr. Yorke. He ſays he is a man of letters, and he comes here as a profeſſed critic; I think I have a right to examine him as to his competency.---You read the pamphlet a fortnight after it came out?---A. Yes.

Q. Did it ſtrike you to be a juſt repreſentation of the ſpeech I gave at the Caſtle Hill?---A. As far as it went.

Q. You recollect, then, every part of it?---A. I thought it a pretty exact copy, as far as it went.

Q. That much was left out?---A. Some words were left out which I have repeated here.

Q. But that, nevertheleſs, all in the printed account was delivered?---A. Not the preciſe words, but the ſpirit.

Q. If I read any paſſage out of it, you would recollect.---Do you recollect this?---"Fellow Citizens, the day is at length arrived, when fanaticiſm and ſuperſtition, deprived of their tinſel trappings, and expoſed, in their native uglineſs, to the view of mankind, ſlink ſcowling back to the cave of obſcurity, there, I hope, they will ever remain. The energy of Engliſhmen will no longer endure this ſtrange uproar of injuſtice; I truſt, my countrymen are ſick of religious and political impoſture, and that their deciſive and manly conduct will command, in an imperious tone, which will take no denial, not a melioration of thoſe enormous abuſes, which would be to compromiſe with injuſtice; but, I truſt, they will demand the annihilation of corruption and abuſes, and a reſtitution of the original rights of human nature? A. I recollect a good deal of the ſenſe of it; I don't think the preciſe words.

Q. Do you recollect any thing about the cave of obſcurity?---A. I cannot ſay; there might be ſuch a word.

Q. Do you recollect tinſel trappings?---A. I recollect you mentioned about Popery, and then brought it in with fanaticiſm, and that the ſtate politicians brought it in.

Q. Perhaps you are a Roman Catholic?---A. I am.

Q. Will you undertake to ſay that this was the ſpirit of that particular paſſage?---A. I think I do recollect the ſenſe of that particular paſſage.

Q. Will you ſwear that?---A. I cannot ſwear it; your energy in theſe particular parts made ſuch an impreſſion upon me, and ſo they muſt upon every man; I was a little diſtance before you, that I could not forget.

Q. Therefore you could not forget thoſe peculiar expreſſions? A. I might not at all times be giving the ſame attention.

Q. How far were you off?—A. Ten people, perhaps, before you.

Q. You will not ſwear then to this; you ſwear to the whole of ſome things, and not to others?—A. Such things as I recollect.

Q. You ſay that I addreſſed the populace; you would not call a clergyman, and others there, a part of the populace?—— A. Yes.

Q. What do you call a populace?—A. An aſſemblage of people.

Q. I don't underſtand it ſo: You juſtly ſay, that after this petition to the King was read, in favour of theſe men, that I then addreſſed the meeting; and you ſwear, that the whole ſubſtance of that ſpeech was reſpecting their condemnation?—— A. No, I did not; I ſaid at the beginning of it, that you afterwards proceeded to a good deal of matter reſpecting hiſtory.

Q. And I ſaid that Government could pack juries, degrading, in ſhort, the civil adminiſtration of this country?—A. And you ſaid, if we enjoy civil, without political liberty, it was nothing.

Q. But that is a contradiction?—A. That I have nothing to do with, your contradicting yourſelf; I only ſpeak to what you ſaid.

Q. Did it not ſtrike you as very ſtrange, that I ſhould ſay Government packed juries?—A. I thought you might be offended and irritated a little by the proceedings at Lancaſter.

Q. Suppoſe any man in private company told you the Government packed juries, would not you infer that that man meant to libel the adminiſtration of juſtice in this country?—A. You certainly did.

Q. Was your idea of that in conſequence of my uſing the word packed juries, or from any thing elſe in the courſe of the ſpeech?—A. As to the packing of juries, you ſlurred that.

Q. Paſſed it off with a flying leap?—A. I don't know what you mean by that.

Q. And I ſaid that jury was ſo corrupt as to have convicted us, had not the vile tools of Government, which are Mr. Law, I ſuppoſe, and the other counſel for the Crown ſitting oppoſite to me, had they not thrown up very honourably their briefs?— A. You ſaid that they were the creatures of Government, but

that the perjury of the informer was ſo evident, that even the vile tools of Government were aſhamed of it.

Q. Does not the idea of a perjured informer ſtartle you a little? A. No.

Q. Who did you underſtand by the vile tools of Government? A. The perſons concerned in the Aſſizes; I ſuppoſe, the ſame as they are here. *(Here the Court burſt out in a peal of laughter.)*

Q. You don't mean then to ſay that Mr. Law is a vile tool of Government?—A. You might call him ſo, perhaps.

Q. You recollect, after the reſolutions were read, Mr. Broomhead made a motion for a petition to the Houſe of Commons for a reform in Parliament, what was the conſequence of that motion?—A. No body ſeconded it, and you got up, and ſaid you was glad that that meeting was ſo enlightened as not to ſecond it.

Q. And the petition you conſider as a proof of their being in darkneſs?——A. It ſeemed you conſidered that ſo; I did not.

Q. I obſerved, that I gloried in their not being one perſon found to ſecond the petition?—A. Yes.

Q. That application might be made to all eternity to no purpoſe.—A. Yes.

Q. Have you read that addreſs to the Britiſh nation?——A. Yes; nearly twelve months ago.

Q. No doubt it made a great impreſſion upon your mind at that time?—A. I did not take much notice of it. The addreſs to the Britiſh nation I conceived to be the ſubſtance of your ſpeech, there was ſome one man put up his hat, contrary to the general ſenſe of the whole meeting, and they hiſſed him, and you got into the chair.

Q. How comes it, then, that as you did not take much notice of that addreſs, you ſhould now take upon yourſelf to ſwear in this Court, that it was the ſubſtance of my ſpeech?—A. I conceived it to be ſo only.

Q. Do you conſider yourſelf a loyal man?—A. Yes.

Q. Whether, as a loyal man, you ought not, conceiving it to be a ſeditious ſpeech, to have gone before a magiſtrate and informed him of it?—A. I did not think it neceſſary; I ſaw people there who were concerned with the magiſtracy; I ſaw conſtables there.

Q. And they never went to the magiſtrates?—A. Not to my knowledge.

Q. When did it firſt enter into your mind to make the pretty exhibition you are now making?

A. It never did; I was ſubpœned here much againſt my inclination.

Q. Do you know Mr. Dunn of Lancaſter, or Mr. Alexander of the Roſe Tavern, Fleet-market?—A. I do not underſtand you.

Q. You ſay I aſſerted that the people had the right of arms

by the Bill of Rights; be very particular upon this point; did I at that meeting deſire the people to procure arms?—A. You deſired them to arm; you told them to get arms.

Q. You have already ſworn, that I ſaid, "Citizens, you have a right by the Bill of Rights to arm yourſelves, get arms?—A. Yes.

Q. You ſwear that?—I do.

Q. Did you ever hear that the Conſtitutional Society at Sheffield were moleſted in their peaceful meetings?—A. Yes, after that.

Q. You know nothing of it perſonally?——A. No.

Q. You ſay I ſpoke of Alfred aſſembling the people upon Saliſbury Plain armed; do you recollect what I called the aſſembly?—A. No.

Q. Was it the michel-gemote?—A. I believe it was.

Q. And what was the inference I drew from it?—A. For the redreſs of grievances, or any thing that oppreſſed them.

Q. Do you recollect whether they met armed for the redreſs of grievances, or for a conſtitutional matter, or in a conſtitutional manner?—A. For the redreſs of grievances.

Q. Now being a loyal man, you muſt neceſſarily have made ſome inquiry, as all good men do, into the conſtitution of your country?——A. I have read ſome little of it.

Q. Where, pray? in Squire, Bacon, and Coke, I ſuppoſe, in the ſame manner as Hippocrates, Galen, and Paracelſus in phyſic?—A. I do not recollect any particular book.

Q. How comes it that it does not ſtrike your mind what a michel-gemote is?—A. I never read the hiſtory of Alfred; I never made it my ſtudy; I know the conſtitution of this country is King, Lords, and Commons.

Q. If you never read the hiſtory of Alfred how can you ſay you have read a little into the conſtitution?—A. I know it conſiſts of King, Lords, and Commons.

Q. You ſay I hoped ſomething would produce a political exploſion, you did not mean a gun-powder plot to blow up every thing? A. It was a metaphor, an exploſion of the nations to———

Q. To cut each other's throats, or ſomething of that kind? A. Yes.

Q. You undertake to ſwear that?—A. You ſaid that ſomething would produce this great exploſion which would deſtroy this deſpotiſm, and ſet up liberty in its ſtead.

Q. You underſtood me to ſpeak of deſpotiſm in this country as well as other countries in Europe?—A. You mentioned the word tyrant repeatedly.

Q. That meant the King, of courſe?—A. I don't know that you always meant ſo.

Q. Will you ſwear that I did at any time mean ſo?—A. I will not ſwear that.

Q. You undertake to ſwear to that particular expreſſion, that I hoped ſomething would produce an exploſion to deſtroy deſpotiſm?——A. I will.

Q. You will ſwear it before God and your country?——A. Yes.

Q. You behold before you, young as I am, only 22 years of age?—A. I don't know that I ſaid 22.

Q. It muſt be ſo, becauſe I am but 23 now, ſo that at the time of the revolution in America I muſt have been not 13? A. I cannot ſay any thing about that; you ſaid ſo.

Q. Look at theſe Gentlemen;—you undertake to ſwear before God and your country, that I had eſſentially contributed to aſſiſt the revolution in America?—A. I did not ſay ſo; I ſaid that you ſerved that in America, contributed to that in Holland, materially aſſiſted that in France, and would ſtill continue to cauſe revolutions all over the world.

Q. You undertake to ſwear I aſſiſted in the revolution of America?—A. Yes.

Q. Then that I had eſſentially contributed to aſſiſt the revolution in Holland, what revolution was that?—A. I don't know.

Q. And yet you ſay you are a man of letters; do you ever read the newſpapers?—A. I thought you meant the revolution that drove away the Stadholder ſome few years back.

Mr. Juſtice Rooke. You are not to aſk him to explain your meaning.

Mr. Yorke. The next point is, that I had materially aſſiſted in the revolution of France, and would ſtill continue to cauſe revolutions all over the world, you ſwear that before God and your country?——A. Yes.

Q. The next point is, that I ſaid, "Perhaps, for my exertions this day in the cauſe of liberty, I ſhould be ſent to the baſtile commonly called York Caſtle, and perhaps hung up at laſt, in this place; that my chains would be to me chains of gold or precious ſtones," or ſome kind of pleaſing idea, garland of flowers, or ſomething of that ſort, an high-flown expreſſion to convey tranſports?—A. You ſaid, "Perhaps, in conſequence of my exertions in the cauſe of liberty, I ſhall be ſent to the baſtile commonly called York Caſtle."

Q. Then you think me a prophet?—A. Your prophecy has been verified.

Q. Perhaps you will think me a fit companion for Mr. Brothers; then, that if I was hung in chains, I ſhould be enrolled as a martyr of liberty for what I had done that day?—A. In conſequence of that day.

Q. You ſwear that?—A. Yes.

Q. You ſwear that before God and your country?—A. So far, that I conceive it to be the ſubject of your ſpeech.

Q. I aſked you whether, when you read it, it made an impreſſion upon your mind?—A. No, no further than it appeared to me to be the ſubſtance of what you ſaid upon the Caſtle Hill.

Q. You ſay that what I ſpoke was more violent than the account given in the printed ſpeech?—A. The eloquence of your language, and energy of your manner, made much more impreſſion.

Q. Leave out the energy and the eloquence, and was it?——A. No ways materially different, but what I have ſtated.

Q. You ſwear the ſubſtance of that ſpeech differs no way materially from what I delivered at the Caſtle Hill?—A. Except ſo far as I have ſtated.

Q. You are quite collected, I hope?—A. Yes.

Q. For it is not my intention to confuſe you; I ſaid the will of the people was the ſupreme law?—A. You ſaid firſt, the welfare of the people was the ſupreme law, and I was glad to hear it, but you immediately followed it with the will of the people is the ſupreme law.

Q. That ſtruck you as an exceedingly ſeditious phraſe?—A. Very wrong.

Q. Perfectly inconſiſtent with the principles of the Britiſh conſtitution, and law of the country; and you conſidered it as an extremely ſeditious expreſſion; and that therefore the Houſe of Brunſwick who ſit upon the throne——————

Mr. Juſtice Rooke. Don't reaſon with him.

Mr. Yorke. Now, you have ſworn I ſaid that in all the ſtruggles and revolutions in this country, it is evident the people had made no part; that the revolution had been a ſtruggle between the ariſtocracy and the throne, and that they were brought in merely to quiet the people?—A. Yes, and that immediately after theſe things were done, it was ſaid that they were done by the will of the people: but you ſaid that was not the caſe; and to ſhew that it was not the caſe, and to ſhew it was merely a ſtruggle between the ariſtocracy and the monarchy, certain laws paſt, which militated againſt the liberty of your country.

Q. When did thoſe laws paſs?—A. After the Revolution.

Q. Do you ſpeak poſitively that it was the Revolution of 1688?

A. Or the bringing in the houſe of Hanover.

Q. You ſwear I ſaid, in a ſneering manner, that the commanding voice of the people would turn out the 558 gentlemen in St. Stephen's chapel, and ſend them about their buſineſs?—A. Yes.

Q. Will you ſwear to that jury, that I made uſe of the words turn out the 558 gentlemen in St. Stephen's chapel, and ſend them about their buſineſs?—A. I will not ſwear to the particular word "turn;" but you meant, and the meaning you conveyed, and muſt be underſtood by what you ſaid, that the people, when they became enlightened, would turn them out, and ſend them about their buſineſs.

Q. With a kind of half pauſe, a rhetorical poſition, and then the ſending about their buſineſs came out, after a poſition of Mr. Garrick's perhaps?—A. You had a great many perhaps of Mr. Garrick's in the courſe of your ſpeech.

Q. What was the general tendency of my ſpeech?—A. To inform the people that they were oppreſſed by the Houſe of Commons; ſays you the votes for repreſentation ought to be as general as taxation, and aſked if any man there had a vote in the choice of members of Parliament.

Q. You ſay I did not excite them to riot and tumult?—— A. You did not ſay the word riot.

Q. But was the ſpeech more calculated to inflame the paſſions, or inform the underſtandings of the people?—A. Particularly to inflame the paſſions of the people againſt the Houſe of Commons.

Q. I am going to put that queſtion once more—You will ſwear that the ſpeech had a tendency eſſentially to inflame the paſſions of the people againſt the Houſe of Commons: there are two ſenſes in which I may underſtand that; do you underſtand that I meant the preſent 558, or the body of the Houſe of Commons, as a conſtituted branch of the Legiſlature?—A. It is impoſſible for me to tell what you meant.

Q. If you cannot tell what I meant, how dare you ſay my ſpeech had a tendency particularly to inflame the paſſions of the people: What induced you to go to the public meeting?—A. Curioſity; I was following the line of my profeſſional duty early that morning, and I heard a good deal of converſation paſs about you and the meeting. I had ſeen it advertiſed; but that morning a lady in company where I was, ſaid, if you come we muſt all be ready to go to the Caſtle Hill at two o'clock; he is to make a very eloquent ſpeech, and a great deal more to that effect; and ſhe ſaid to me, Doctor, you will go, won't you? Says I, I have no intention of going. Says ſhe, he is certainly ſent by heaven to be the Saviour of this country; and they talk of taking him up; but if they did, many a fine houſe would be burnt down, and many a head laid low by morning. I know ſhe and you have ſeen one another.

Q. What do you mean by that?—A. I mean more intimate than is proper with a married woman.

Q. Is ſhe pretty?—A. Yes, very.

Q. I will aſk you about ſome circumſtances that took place after the meeting—Did you ſtay there all the time?—A. No; you had begun reading an extract from Locke; and juſt as you had finiſhed that, and told them you would print an extract from it, and they ſhould have it as cheap as poſſible, you went on to the Slave Trade; and I went away, and then called at Cornelius Taylor's.

Q. I wiſh to know if you have ever read Locke's book?——A. No.

Q. And yet you underſtand the conſtitution of your country! I recommend you to read it, and you will find ſome information with reſpect to the will of the people conſtituting the ſupreme law—What did you ſay to Mr. Taylor?—A. I ſaid I thought you was a very clever man, a very able orator; and that the only principle I diſliked was, that the will of the people was the ſupreme law as a principle.

Q. Were you called away to deliver a woman?—A. Yes.

Q. What did you ſay to her?—A. Nothing at all; the huſband, inſtead of coming for me, he went to the Caſtle Hill, and was dragging you about the town, ſo faſcinated with your ſpeech, I ſuppoſe.

Q. I bewitched him with my eloquence and ſublime metataphors?—A. I don't know; he did ſtay however.

Q. Did you not tell that woman that I was a man too moderate a great deal for the Sheffield people; and that you deſired her to chriſten her child Henry Yorke?—A. That was at another labour before the meeting.

Q. Why did you tell her to chriſten her child after me?——A. You are much miſinformed as to that.

Q. Will you ſwear you did not ſay ſo?—A. Yes.

Q. Before God and your country?—A. Yes; this ſaid perſon, who mentioned you was certainly ſent by heaven to be the Saviour of this country, ſays ſhe, if the child is born, it ſhall be chriſtened Henry Yorke Rhodes; and it was ſo chriſtened.

Q. You would not yourſelf, in any inſtance, be the means of inſtigating perſons to a breach of the peace, nor would not ſubſcribe to any declaration repugnant to the principles of the conſtitution—By the bye, Did you ever ſteal a bottle of ink?

Mr. J. Rooke. No man is bound to anſwer any queſtion that may criminate himſelf.

Q. Did you not expect to have come to the other ſide of that court theſe aſſizes?—A. No.

Q. You have committed no crime that might have brought you there?—A. Certainly not.

Mr. J. Rooke. That is not a proper queſtion, Mr. Yorke, for the reaſon I have before given you.

Q. Did you never aſſert to any perſon that you ſubſcribed to every word I uttered?—A. No, nor to that effect: I ſaid, excepting this principle, that the will of the people was the ſupreme law, I remarked only theſe two principles, the welfare of the people was the ſupreme law, and that the will of the people was the ſupreme law.

Q. If you aſſented, as you ſay, to every thing I ſaid except the principle, that the will of the people was the ſupreme law, how could you ſwear juſt now that it was a ſpeech particularly

calculated to inflame the paſſions of the people?—A. I think it had that tendency.

Q. And yet you aſſented to it all, with that ſingle exception. Pray tell me, whether you approved of the idea of cauſing revolutions all over the world?—A. Certainly not.

Q. Did you not approve of it at the time?—A. No.

Q. Then, how could you ſay to any one that you did approve the whole, that principle only excepted?——A. I ſpoke generally.

Q. You ſeem to deal very much in generals—What do you ſay to the idea of fanaticiſm and ſuperſtition, deprived of their tinſel trappings, and ſlinking ſcowling away—did you approve of that?—A. No.

Q. Do you approve of turning the 558 gentlemen in St. Stepen's chapel about their buſineſs?—A. No.

Q. Did you approve alſo of the grand political exploſion, and the combuſtible ingredients which were to bury deſpotiſm in ruins?—A. No, by no means.

Q. Then, how could you declare immediately after the meeting, that you approved of all, but that one principle, reſpecting the will of the people being the ſupreme law, and now have the face to ſwear in this Court, that you deemed it a very ſeditious ſpeech?—A. I alluded to it generally.

Q. Do you know Ebenezer Rhodes?—A. Yes.

Q. Do you know Thomas Druly?—A. I may perhaps.

Q. Perhaps your memory ſerves you well on ſome occaſions; you can recollect a ſpeech of two hours, and doubt about your acquaintances; you never told them you ſubſcribed to every thing I ſaid?---A. No.

Q. Do you recollect any thing in the ſpeech about the Revolution——" In order to prove that the Revolution had not cor-
" reſponded with the expectations of the people, no ſooner was
" the Prince of Orange eſtabliſhed on the throne of England,
" than all ideas of the ancient mode of annual Parliaments were
" effaced, and the triennial act was paſſed, in the very face of
" that Revolution, and in direct contradiction to its principles."
A. Yes, the triennial act.

Q. Was that the thing you alluded to as a violation of the principles upon which the houſe of Brunſwick were ſeated upon the throne?—A. It was ſo.

Mr. Law. It ſhews how correct his memory is.

Mr. Yorke. The moſt ſo of any man I ever ſaw or heard of.

John Gillott ſworn. Examined by *Mr. Wood.*

Q. You are a merchant in Sheffield?—A. Yes.

Q. Were you at the meeting upon the Caſtle Hill?—A. Yes, I was.

Q. Did you hear Mr. Yorke's ſpeech?—A. Part of it I did.

Q. I would aſk you only what was the general tendency of that ſpeech?—A. I do not particularly recollect any of the paſſages ſo as to repeat them in the words he read them; nor do I recollect more than one that ſtrikes me, which is reſpecting the 558 gentlemen who ſit in St. Stephen's chapel might go about their buſineſs.

Q. You don't particularly recollect any other parts of the ſpeech?—A. No.

Q. What was the general tendency of it?—A. I don't recollect; I went merely out of curioſity at the time.

Q. You did hear that particular part of it?—A. Yes.

Q. Did you read the printed ſpeech afterwards?—Yes, I did.

Q. How ſoon afterwards?—A. It is about a year ago now.

Q. When you did read it I ſuppoſe the ſpeech was freſh in your memory?—A. No, but when I did read it, according to the beſt of my recollection, it was ſimilar to the ſpeech that I heard.

Marmaduke Wreaks ſworn. Examined by *Mr. Topping*.

Q. You live at Sheffield, I believe?—A. Yes.

Q. What buſineſs are you?—A. A barber.

Q. Have you been many years at Sheffield?—A. Yes, all my lifetime nearly.

Q. You was there in April 1794?—A. Yes.

Q. Was you at the meeting at the Caſtle Hill?—A. Yes.

Q. Did you ſee Mr. Yorke there?—A. Yes.

Q. Where did you ſee him?—A. In a kind of a roſtrum or a pulpit that he was in.

Q. Did you hear the ſpeech he made there?—A. Yes.

Q. Do you recollect any particular paſſages of that ſpeech?—A. Yes, I do.

Q. Repeat ſuch paſſages as you remember?—A. I was there about five minutes before three; Mr. Broomhead was then in the roſtrum. In a few minutes after Mr. Gales and Mr. Camage came. A little after that, Mr. Broomhead deſired Mr. Yorke might be called to the chair: Mr. Yorke came and received the greateſt applauſe perhaps that you ever ſaw a man in your life.

Q. A numerous meeting?---A. Yes.

Q. Tell us what Mr. Yorke ſaid?—A. He obſerved, that they were called there for the purpoſe of obtaining redreſs of their grievances;—they were to addreſs the King in behalf of the perſecuted patriots, and he deſired Mr. Camage to read it; he began;—I remember the firſt ſentence of it pretty well;—he ſays, "Sire, We the underſigned, being firm friends of liberty and the rights of man, feel ourſelves deeply affected by the ſentences which have lately been paſſed upon Citizens Muir, Palmer, Skirving, Margarot, and Gerald; and at the latter part he concludes, we.

are plain men and will not flatter a king; if our wiſhes be attended to, we are perſuaded it will, in ſome good degree, huſh the murmurs which unreaſonable ſeverity in a government never fails to excite, and it may alſo avert that ſtorm, which, it is but too evident, has long been awfully gathering, and which may burſt forth in a moment when your Majeſty thinks not."—This is the addreſs;—Mr. Camage read that.

Q. Now, after this addreſs had been read, and theſe paſſages in it, what did Mr. Yorke do then?—A. He ſaid, the cauſe for which our brethren are now ſuffering, was the ſame as was advocated in the year 1782 by Mr. Pitt, the Duke of Richmond, and other men, who were placemen and penſioners at this time.

Q. Can you tell us any other paſſages?—A. I cannot recollect any thing elſe of any conſequence.

Q. Tell us all?—A. "The day is at length arrived, when "fanaticiſm and ſuperſtition, deprived of their tinſel trappings, "and expoſed, in their native uglineſs, to the view of man-"kind, ſlink ſcowling back to the cave of obſcurity."

Q. Do you remember that from his ſpeech?—A. Yes; perfectly, and his manner; for he is the beſt ſpeaker I ever heard in my life.

Q. Do you recollect any other paſſage?—A. Yes, one that I ſet down when I came home:—I call this a Billy Pitt man.—"I repeat my former aſſertions, go on as you have hitherto "done, in the culture of reaſon, diſſeminate throughout the "whole of your country, that knowledge which is ſo neceſſary to "man's happineſs, and which you yourſelves have acquired; "teach your children and your countrymen the ſacred leſſons of "virtue, which are the foundations of all human polity; teach "them to reſpect themſelves and to love their country; teach "them to do unto all men as they would that they ſhould do "unto them, and their love ſhall not be confined to their country, "but ſhall extend to the whole human race. When ſuch a re-"volution of ſentiment ſhall have diſperſed the miſts of preju-"dice; when, by the inceſſant thunderings from the preſs, the "meaneſt cottager of our country ſhall be enlightened, and the ſun "of reaſon ſhall ſhine in its fulleſt meridian over us; then the "commanding voice of the whole people ſhall recommend the "558 Gentlemen in St. Stephen's Chapel to go about their bu-"ſineſs."

Marmaduke Wreaks, croſs examined by *Mr. Hotham.*

Q. You are a barber?—A. Yes.

Q. Who taught you your leſſon which you have repeated ſo fluently.—How often have you read this book?—A. I have not read the whole of it.

Q. I aſk you how many times you have repeated over to yourſelf and got by heart this paſſage, "The day is at length arrived,

" when fanaticiſm and ſuperſtition, deprived of their tinſel trap-
" pings, and expoſed, in their native uglineſs, to the view of
" mankind, ſlink ſcowling back to the cave of obſcurity?——
A. Many a time, I dare ſay?

Q. How often have you read it in the printed book?—A. I don't know.

Q. Upon your oath, a hundred times?—A. I have read it a great many times, perhaps; not half a hundred.

Q. Upon your oath, have you read it a hundred times?——A. No.

Q. Have you read it 80 times?—A. I don't know no more than you do.

Q. Now the other ſentence you have repeated is a pretty long one, " Go on as you have hitherto done, in the culture of reaſon,
" diſſeminate throughout the whole of your country that know-
" ledge which is ſo neceſſary to man's happineſs, and which you
" yourſelves have acquired; teach your children and your coun-
" trymen the ſacred leſſons of virtue, which are the foundations
" of all human polity; teach them to reſpect themſelves and to
" love their country; teach them to do unto all men as they
" would that they ſhould do unto them, and their love ſhall not
" be confined to their country, but ſhall extend to the whole hu-
" man race. When ſuch a revolution of ſentiment ſhall have
" diſperſed the miſts of prejudice; when, by the inceſſant thun-
" derings from the preſs, the meaneſt cottager of our country
" ſhall be enlightened, and the ſun of reaſon ſhall ſhine in its ful-
" leſt meridian over us; then the commanding voice of the whole
" people ſhall recommend the 558 Gentlemen in St. Stephen's
" Chapel to go about their buſineſs." Was that the ſentence Mr. Yorke made uſe of in your hearing?—A. I will tell you what, Sir, Mr. Yorke reads ſo different to what you do, that I cannot ſay.

Q. Look at it and read it yourſelf?——A. Here is a word omitted.

Q. What word is it that is omitted?—A. The word " remoteſt" thunderings of the preſs;—it is exact except that word, to the beſt of my memory.

Q. Now, you have told us that—ſlink ſcowling back to the cave of obſurity.—Do you ſwear that expreſſion was made uſe of by Mr. Yorke?—A. Yes.

Q. This is a pretty long paſſage that you have read to us, is there any other paſſage in the whole ſpeech ſo long that you can recollect and repeat?—A. I do not know that I can.

Q. Is there any part of this ſpeech?—A. There was a great many ſpeeches there;—it was like a play;—there were four parts in it.—Mr. Camage and Mr. Broomhead; but Mr. Yorke ſhone.

Q. Now repeat any other equally long ſpeech?—A. I cannot, perhaps.

Q. A ſhort ſpeech then?—A. "They call us rebels, but they "are the greateſt rebels who wiſh to level us to the condition of "the brute, guided by paſſion, untutored by reaſon, that they "would tread upon us as we do inſects in the graſs."

Q. Now look and ſee if you find thoſe words in the book?—A. There are many omiſſions in that book.

Q. I aſk you to repeat any one ſentence,—and ſee whether there is another ſentence that you can repeat with equal fluency. You tell us you repeated theſe expreſſions, after you had heard them from Mr. Yorke, ſeveral times?—A. No, I did not.

Q. Am I to underſtand you that you never repeated to any perſon, before now, the evidence you have given to thoſe gentlemen?—A. I don't mean to ſay ſo;—I have, to myſelf, repeated it.

Q. Did you ever repeat them to any body elſe?—A. I don't know whether I have or no; I believe I have, but I do not know who to.

Q. If I take you right, you ſaid you repeated one of the ſentences the night after?—A. Yes; Billy Pitt's ſpeech.

Q. Which was that?—A. "I repeat my former aſſertion," &c.

Q. Then you repeated that to ſome perſon that night or the day after; did you or not?—A. I had not it ſo perfect that night, and when I awaked it was the firſt thing in my mouth in the morning.

Q. Who did you repeat it to?—A. I told it Mr. Gales, and I told him another circumſtance.

Q. But there is no perſon here to whom you repeated it that night or the next morning?—A. No *.

Joſeph Eyre ſworn. Examined by *Mr. Johnſon*.

Q. You are a conſtable, I believe?—A. Yes.

Q. You live at Sheffield?—A. Yes.

Q. Was you at the meeting at the Caſtle Hill on the 7th of April?—A. Yes; I was at ſome diſtance.

Q. Did you ſee Mr. Yorke there?—A. Yes.

Q. Did you hear his ſpeech?—A. Yes, I heard ſomething that he ſaid, but I did not hear a deal. I had ſome people about me that did not wiſh me to hear. I heard him ſpeak about petitioning Parliament for a reform, but it was all in vain, for they could have no redreſs; that is what I principally heard—they made a great noiſe about me and would not ſuffer me to hear—ſeveral that were round me.

* During the whole of this man's evidence, the Court were in a roar of laughter. It is almoſt needleſs to mention, that he recited the parts of the ſpeech *verbatim* from the printed pamphlet.

Q. Do you remember on the 25th of May going to the houſe of one Barber?—A. Yes.

Q. Did you go to Mr. Widdiſon's houſe?—A. Yes.

Q. For what purpoſe?—A. Mr. Wilkinſon ſent for me, and I found him at Barber's, and we went from Barber's houſe to Mr. Widdiſon's.

Q. When you got to Mr. Widdiſon's, did you find any thing there?—A. I found a parcel of pike handles.

Q. Have you got them here?—A. Yes.

Q. Produce them?—A. I ſuppoſe I may fetch the pikes too.

Q. Yes; do.—A. *(produces them)* I found 4 at Moody's, 2 at Barber's, 1 at Mr. Camage's, and about 14 or 15 handles at Widdiſon's, and one other handle at Moody's.

Joſeph Eyre croſs examined by *Mr. Hotham.*

Q. I believe you know that the Conſtitutional Society at Sheffield had been aſſaulted ſome time before this?—A. No; I heard ſome of them ſay ſomething about it.

Q. Was it not generally ſaid, at the time, in Sheffield, that they had been attacked?—A. No; nor I don't think it was generally believed neither.

Q. Do you recollect any people being ſtopped in going to the Juſtice to get a warrant?—A. No.

Q. You never heard any thing of that ſort?—A. I cannot ſay.

Mr. Widdiſon called in again.—Examined by *Mr. Law.*

Q. I believe you introduced Mr. Daviſon to Mr. Yorke; did not you?—A. Yes, I think he went with me once.

Q. That was ſome time before the meeting at the Caſtle Hill? A. Yes.

Q. How many of theſe pikes did you make for Mr. Gales?—A. A dozen.

Q. Handles or ſhafts?—A. The ſhafts.

Q. Did Mr. Yorke know of your making them?—A. Yes, when I told him;—I don't know that he knew it before.

Q. Did you take one to Mr. Yorke?—A. Yes.

Q. Did he look at it?—A. Yes.

Q. Did he ſay it would do?—A. I believe he ſaid he thought it would do.

Q. Do you recollect how long it was before the meeting at the Caſtle Hill?—A. Several weeks before; I think two or three, perhaps.

Q. How many did you make in the whole?——A. About a dozen and a half.

Q. You made them by Gales's deſire; you ſhewed them to Mr. Yorke, and Mr. Yorke ſaid they would do?—A. Yes.

Q. Did Mr. Yorke ſay any thing to you whether you could get a good ſale for them?—A. Yes, he ſaid he underſtood Mr. Gales would have a dozen.

Q. Did he ſay how many other people would want?—No, he ſaid he thought ſome more would be wanted.

Q. By other people, I ſuppoſe?—A. Yes.

Q. Did he tell you by whom the heads would be made?——A. I don't know, I think he ſaid he believed there was a man making ſome heads.

Q. Where did he get the heads that he fitted to yours?——A. I forget whether the man that made them brought them or Daviſon.

Q. The man that made them; that was Mr. Camage, was not it?—A. No, Hill was the man that made them.

Q. Do you know how many heads Hill made?—A. No.

Q. What was the whole of it when made up with the ſhaft, the top and the ſhaft; how much did the whole of it coſt?—A. I don't know what they ſold them for.

Q. About a ſhilling?—A. More than that.

Q. What did you get for them?——A. Mr. Wilkinſon has never paid me for them.

Q. What—the magiſtrate ſeized them, did he?—A. Yes.

Mr. Widdiſon croſs examined by *Mr. Hotham.*

Q. You, perhaps, may know that the members of the Conſtitutional Society had been attacked by the Non-reformiſts, the people of oppoſite ſentiments?—A. They had been threatened frequently.

Q. What did you underſtand at the time for what purpoſe theſe ſhafts and things were got; for the purpoſe of protecting themſelves, were they not?—A. That the people ſhould have them ready to defend themſelves, in caſe they found it neceſſary.

Mr. Law. You never complained of any attack to any magiſtrate?—A. That was not of much uſe.

Q. Was there any pretence for it till after the meeting at the Caſtle Hill?—A. The time theſe things commenced making was the time when the armed aſſociation began.

Q. At what time was that; will you ſwear there was any armed aſſociations on foot till after the 12th of May?—A. As far as I can recollect, they both happened at the ſame time, as near as I can recollect.

Q. Have you ſuch a recollection, that you will ſwear to that; they were within a fortnight?—A. I cannot ſay.

Q. Within three weeks or a month?—A. To the beſt of my recollection, it was about the ſame time, becauſe they were going about to collect names.

Henry Hill ſworn. Examined by *Mr. Wood.*

Q. You are a cutler?——A. Yes.

Q. Do you know Daviſon?——A. Yes.

Q. Had you any directions from him to make any blades for pikes?——A. Yes.

Q. What directions did he give you, and when was it?——A. It was at the beginning of April 1794.

Q. How many blades was you to make?—A. No ſtated number.

Q. How many did you make?—A. 120, 130, or 140, I cannot juſtly ſay exactly.

Q. Where did you carry them to when they were made?—A. I took them to William Camage; I did not take them all there, nor I was not very particular where I took them.

Q. Did you carry any to Mr. Yorke?—A. I carried one at one time to him, but not at his deſire.

Q. What did you carry it to him for?—A. Daviſon deſired me to go to Mr. Yorke, and deſire that he would advance a trifle of money towards defraying the expence of theſe blades, till they could advance the ſtock themſelves; but before that, I deſired Daviſon to go himſelf, that I had rather he would go than me; he ſaid they were not upon good terms of friendſhip, and he wiſhed to have very little to ſay to him; he deſired me to go, and accordingly I went; I took a blade that was not ground, only forged, ſo I let him look at it; he aſked me what it was for, and I told him it was for ſelf-defence, in caſe we ſhould be attacked by any unlawful power.

Q. That was what you ſaid to him; what did he ſay?——A. He ſaid ſelf-preſervation was certainly neceſſary, we had certainly a right to defend ourſelves, or ſomething to that purport; we told him we had been ſeveral times threatened.

Q. Did he tell you he thought it a proper kind of inſtrument? A. He did not paſs many encomiums upon it; he ſaid it might do: before we could finiſh what I went about, a perſon came in, and brought intelligence of his acquittal at Lancaſter, and that put an end to the converſation, ſo that I did not think proper to mention what I went about.

Q. Who paid you for theſe things?—A. Daviſon.

Q. Did you never receive any money of any body elſe for them?—A. No, never.

Q. Did Daviſon ſhew you any letters that he had written to London and to Norwich?—A. Yes.

Q. Look at that; was that the letter?—A. I cannot read it, but if you will read it to me, I can tell you.

Mr. Hotham. I muſt object to any expreſſion in that letter being read.

Mr. Camage called in again. Examined by *Mr. Wood.*

Q. You are acquainted with the hand-writing of Daviſon, and tell us if you believe that to be his hand-writing?—A. I believe it is.

(Mr. Wood reads the letter.)

" Fellow citizens, the barefaced ariſtocracy of the preſent Ad-
" miniſtration has made it neceſſary that we ſhould be prepared
" to act on the defenſive againſt any attack they may command
" their newly-armed minions to make upon us. A plan has
" been hit upon; and, if encouraged ſufficiently, will no doubt
" have the effect of furniſhing a quantity of pikes to the patriots,
" great enough to make them formidable. The blades are
" made of ſteel, tempered and poliſhed after an approved form.
" They may be fixed into any ſhafts, but fir ones are re-
" commended, of the girth of the accompanying hoops at the
" top end, and about an inch more at the bottom. The blades
" and hoops, more than which cannot be properly ſent to any
" great diſtance, will be charged one ſhilling. Money to be ſent
" with the order. As the inſtitution is in its infancy, immediate
" encouragement is neceſſary.

Struck through in the original. " Orders may be ſent to the Secretary of the " Sheffield Conſtitutional Society.

(Signed) " RICHARD DAVISON.

" To prevent ſuſpicion, direct to Mr. Robert Moody junior, " Sheffield."

Q. (*To Hill.*) Do you recollect that?—A. Something to that purport, I cannot ſwear to every word, but ſomething to that purport.

Q. There was one incloſed in it, did he read that to you?—A. No, he did not.

Q. (To *Camage.*) Look at that---do you believe that to be his handwriting?—A. I cannot ſpeak to it; I ſaw it before the Privy Council in London, and I would not ſpeak to it then.

Q. Do you believe it to be his handwriting?—A. I cannot ſwear to its being his handwriting; I believe it to be like the other.

Q. You believe it to be his, don't you---upon your oath whether you believe it to be his handwriting?—A. Yes, I believe it is.

(The letter read by the clerk.)

Henry Hill croſs examined by *Mr. Hotham.*

Q. You wiſhed Mr. Daviſon to go himſelf to Mr. Yorke? A. Yes.

Q. And he told you he had rather you went, becauſe he was not on terms with Mr. Yorke?——A. Yes, he deſired me to go, thinking Mr. Yorke would advance ſome money towards thoſe pikes.

Q. Now, I think, if I take you right, when you went there Mr. Yorke aſked what they were for?——A. Yes.

Q. Then it did not appear to you that Mr. Yorke knew of the making of ſuch pikes?—A. I believe that he knew nothing at all about it.

Q. You told him they were for ſelf-defence—what was your reaſon for telling him that?—A. Becauſe he aſked me what we meant to do with them.

Q. Had there been antecedent to that period of time any, and what attacks made upon any of the members of the Conſtitutional Society at Sheffield?—A. The houſe where I lodged had been attacked two or three times; they broke the hinges off the door once, and ſwore they would pull it down and burn it.

Q. Was this before the 7th of April?—A. Yes.

Q. Was the report in Sheffield that they were meant to be attacked?—A. A report prevailed that a number of perſons were about to form a military corps.

Q. You underſtood at the time you carried this pike that it was intended for ſelf-defence?—A. Solely for ſelf-defence.

Q. And Mr. Yorke aſked you if you had been attacked?—A. Yes, I told him how we had been uſed.

Q. Did Mr. Yorke advance any money?—A. No.

Q. Had Mr. Yorke any of thoſe pikes himſelf?—A. No, he had nothing at all to do with them.

Mr. Wood. He ſaid they would do?—A. He paſſed a little bit of a jeering compliment upon them.

Q. I ſuppoſe you applied to a magiſtrate about it?—A. No; I believe the perſons that did would not be prevented from doing that by Mr. Wilkinſon, or any body elſe.

Q. But why not go to a magiſtrate?—A. We could not tell how we could be redreſſed.

Q. Did you not know you could be redreſſed by application to a magiſtrate?—A. No, becauſe they were perſons we did not know.

Q. Who was it attacked by?—A. Drunken fellows in the night; they had ſworn and blaſphemed, while they were ſo hoarſe they could ſcarcely ſpeak.

Q. Did you know them?—A. No, I wiſh I had.

Mr. Hotham. Would you have gone to a magiſtrate if you had known who it was?—A. Yes.

Mr. Topping (to Mr. Camage). You know only Mr. Hill?—A. Yes.

Q. Did you go with him to Mr. Yorke's lodgings?—A. Yes.

Q. You had ſome converſation with Mr. Yorke upon the ſubject of pikes?——A. Very little.

Q. Do you remember Mr. Hill's going to fetch one?——A. Yes.

Q. Who deſired him to go---you know you have been examined before?—A. I know I have; I do not know whether it was me or Mr. Yorke.

Q. What time was this in the evening?—A. Between eight and nine o'clock, ſome time previous to the 7th of April.

Q. How long before?——A. About a fortnight, I believe.

Q. It was dark night---was it not?—A. It was duſk; he ſhewed it to Mr. Yorke.

Q. Was there any talk about any other pikes Hill had made? A. I recollect I told you that Hill had been with Mr. Yorke.

Q. When Hill returned with this pike which Mr. Yorke did approve of, was there any converſation between Hill and Mr. Yorke, reſpecting any other pikes made which he did approve of?—A. I do not recollect that any ſuch converſation did paſs.

Mr. Law (*to Mr. Frith*). Did you ſign this paper as one of the members of the Sheffield Independent Volunteers?—A. I did not ſign that paper.

Q. Do you happen to know at what time that aſſociation was formed?—A. The one that I ſigned was worn out; but they were all alike in the printed part.

Q. What was the date of it?—A. The firſt of May.

Q. Had that corps any exiſtence before that time?—A. No, none at all.

(*Here the Evidence for the Proſecution cloſed.*)

Mr. Yorke. My Lord, I am charged in this indictment with having conſpired with two perſons known, and ſeveral others unknown, to attain a certain end, in purſuance of which certain means are ſaid to have been employed by us: I conceive, in the firſt inſtance, that no effect can take place without a cauſe: The conſpiracy has not been made out; there is not the leaſt ſhadow of evidence that I had any connection with the other defendants; and if your Lordſhip ſhould be of opinion that the conſpiracy has not been made out, there will be no occaſion for me to take up any more of the time of your Lordſhip and the Jury.

Mr. Juſtice Rooke. In my opinion there is evidence to go to the Jury.

Mr. Yorke. Will your Lordſhip permit me to retire for a few minutes, with my Counſel.

Mr. Juſtice Rooke. Certainly: but I hope you will not exceed five minutes.

Mr. Yorke. My Lord, I ſhall occupy more than that time in going to and from my rooms.

(*Mr. Yorke and his Counſel withdrew for a few minutes.*)

Mr. Juſtice Rooke. Now, Mr. Yorke, are you ready; have you determined whether your Counſel or yourſelf will addreſs the Jury?

MR. YORKE.

Gentlemen of the Jury! I muſt now requeſt your ſerious attention to the defence which I mean to inſtitute to this moſt extraordinary proſecution—a proſecution which I am ſatisfied, from all the circumſtances which have begotten it, has been engendered, not for the purpoſe of producing order where it was wanted, or of ſecuring quiet where it had been diſturbed,—not for the ſake of promoting the cauſe of ſubordination to the Government, but poſitively carried forwards to hunt me down as a victim, and to purſue me to deſtruction as an individual. When I conſider all the various prejudices which, during my long confinement in this place, I have laboured under—when I conſider the unmerited obloquy, calumnies, and reproach caſt upon me by thoſe journals which are the daily vehicles of falſehood and impoſture, I feel deep anxiety in addreſſing you, becauſe it is almoſt impoſſible to remove from your minds thoſe prejudices and impreſſions which you cannot but have imbibed in common with the reſt of your countrymen. Indeed, I cannot hope for ſuch a diſintereſt, without conceiving you to be more or leſs than men. Nevertheleſs, I requeſt only your candid and ſerious attention, without inſiſting at all upon the cruelty of this proſecution. I requeſt your ſerious attention to the obſervations I ſhall make upon the indictment, upon the opening ſpeech of Mr. Law; the evidence adduced in ſupport of the charge, and the teſtimony which I ſhall offer to you in order to repel it. To theſe may be added the obſervations which neceſſarily reſult from the nature of the caſe, and which are intimately connected with the principles of the Britiſh conſtitution.

Mr. Law has ſtated to you from the indictment, that it was my object to vilify and traduce the Houſe of Commons as a branch of that legiſlative body under which we have long lived free and happy. I fully concede to him the latter part of the propoſition: with reſpect to the former, you alone

will be the judges. He has asserted that I have endeavoured to impress on the public feeling, that every thing like public spirit was done away from that body. It will be adduced in the evidence on my behalf, that so far from traducing and vilifying that House, I have ever regarded it as the strongest palladium of our liberties—as the source of all the joys we at present feel; and if I have spoken of its deviations from the original purpose of its institution, I have uniformly attributed them to the corruptions which time, added to the flagitiousness of bad men, have induced. This will be established by evidence.

I admit, in its utmost latitude, Mr. Law's eulogium on the constitution; my exculpatory evidence will, to a man, most substantially corroborate this assertion; and they will further prove, that in not one of my public addresses have I neglected to affirm, and to establish by reasonings, that the British constitution was the noblest that ever was recorded on the annals of human kind. I went further. In almost every speech I took essential pains in controverting the doctrines of Thomas Paine, who denied the existence of our constitution, and which, believe me, was attended with no small degree of trouble and embarrassment. I constantly asserted, on the contrary, that we had a good constitution; and I endeavoured to shew in what that constitution did consist. It is not very probable that a person, struggling to defeat the arguments of one who has been universally acknowledged its most bitter and most powerful opponent, more especially a person of my general character and conduct, would come forward, in the face of day and of men, to declare that which he did not mean.

The counsel for the prosecution have endeavoured to insinuate, that I went originally to Sheffield with no good intent; since not being an inhabitant of that place, and going there for the sole purpose of joining the Constitutional Societies, it is natural to infer, that if those societies were seditious, I must, of course, be seditious with them; that is the inference. There will be witnesses produced on my part, who will shew that I came with a letter from a gentleman of the first fortune in Derby *, in consequence of which I staid four or five days at Sheffield, and that I never corresponded

* Mr. W. Strutt, who wrote the letter at the desire of several other gentlemen of property, members of the Derby Society, in answer to the circular letter sent from Sheffield in the year 1792, and which may be found in the report of the Secret Committee of the House of Commons. I think it necessary to add, that I was to have been accompanied by my late learned and much regretted friend Dr. Pigott of Derby; but his professional avocations prevented him. This could have been proved by the evidence of two ladies, but I would not introduce them on a trial of this nature, nor indeed was it of any consequence.

with the Society until 15 months after, a little before the time I was arreſted on a charge of high treaſon, and conveyed to this place. I will call witneſſes to prove that I went to Sheffield, not for the purpoſe of exciting riots, commotions, and tumults, but for the purpoſe of promoting that which is univerſally acknowledged to be indiſpenſibly neceſſary to the ſafety of the State—I mean a Parliamentary Reform.

Mr. Law has inferred, that the means employed to collect the meeting were illegal; and he has endeavoured to eſtabliſh his aſſertion by evidence, attempting to prove me connected in a conſpiracy with two men. With one of thoſe men, it is true, I had a perſonal acquaintance *: with the other, I ſhall prove to you, by ſubſtantial evidence, I had none, nor was he ever in my company but once, which Widdiſon has declared to you in his examination.

Mr. Law has ſtated, that we three were the leading perſons in this conſpiracy; that Gales was to perform the part of the printer, I of the orator, and Daviſon to procure arms: that, in conſequence of this conſpiracy, we had a certain end to attain, which was, as ſtated in the indictment, to traduce, vilify, and defame the Commons Houſe of Parliament, and the Government of this realm: and, ſecondly, which is properly a conſequence of the firſt, to excite a ſpirit of diſaffection and diſcontent amongſt his Majeſty's ſubjects againſt his Majeſty's perſon and government: that, in conſequence of this, we employed certain means, which were the aſſembling of a public meeting.—For what? for the purpoſes, the indictment ſtates, of hearing divers ſcandalous, malicious, and ſeditious ſpeeches, reſolutions and writings, in direct repugnance to the conſtitution and government of the land. To corroborate this, he has produced, on the part of the Crown, ſeveral evidences, extremely wild and incoherent in their teſtimony, who have endeavoured to eſtabliſh, that I abſolutely uttered thoſe expreſſions, ſome of which perſons, I believe, the Court are ſufficiently ſatisfied, from the manner in which they recited them, tallying preciſely with the very words as printed in the pamphlet, have come here with their leſſons learnt; not at the public meeting, but from the book itſelf, which was not printed till three weeks after the meeting was held.

Mr. Law has ſaid, that the meeting was illegal. To arraign the legality of the meeting—to ſay that men may not

* Mr. Gales, who has been compelled with a large family to ſeek refuge in America: he has carried with him the good wiſhes and regrets of thouſands of his fellow-townſmen, and ſtill more the character, even by the confeſſion of his enemies, of a man of ſtrict integrity and principle.

meet together, to conſider of their rights, or diſcuſs ſubjects tending to their future benefit, is to deny the principles of the Britiſh conſtitution. When I come to explain thoſe general principles, I will read you authorities from the firſt law writers, who, in language more haughty and more ſtrong than I ever uttered, have declared that we are not only juſtified in petitioning, but in remonſtrating, in the higheſt tone of political reprobation. He has ſaid, that calling the meeting by public advertiſement, is a proof that we meant to ring the bell of Sedition, and to call the ſeditious in the neighbourhood together, for a purpoſe which he deems improper; and that the advertiſement is itſelf ſeditious, and would warrant the charges in the indictment.—What is that public advertiſement? It ſtates, firſt, that the friends of Juſtice, Liberty, and Humanity, were required to attend on ſuch a day at the Caſtle Hill at Sheffield; and the publicity of the circumſtance is a proof that we at leaſt ſuppoſed our meaſures innocent, where Magiſtrates might have attended, where every thing was publicly tranſacted, and where, if there was any idea of conſpiracy, we ſhould not have held it in that way, conſpiracies being always carried on, not in the face of open day, but in ſecrecy. And for what purpoſe was it called? In the firſt place, to addreſs the King in behalf of men tranſported, not by the laws of this country, but of another; for an action now called by Mr. Law an offence of the higheſt enormity, an offence exactly the ſame as that which Mr. Pitt, the Duke of Richmond, and Sir George Saville, your late repreſentative for this county, had ſet them the example—*the attempt to obtain a more effectual repreſentation of the people, and to reſtore their right of annual Parliaments.* I ſhall by and by prove to you, both by acts of Parliament, by our firſt conſtitutional writers and hiſtorians, that annual Parliaments, and even general ſuffrage, were partly not only the ſpirit but the practice of the Britiſh conſtitution; and if, when Mr. Law comes to reply, he can controvert their doctrines, I ſhall ſit down ſatisfied that I have infringed the conſtitution: but if I prove that equal ſuffrage was the ſpirit, if not in a conſiderable degree the practiſe in ancient times, I ſhall deduce this argument from it, that the preſent ſyſtem, as it now goes on, is not the ſame as that from which the people derived the liberties they formerly enjoyed. I ſhall infer from what is affirmed by thoſe celebrated writers on the conſtitution, that the meaſures of the preſent day are repugnant to it in practice, and therefore are a violation of that conſtitution.

Such I take it, in a great degree, were the principles by which thoſe unfortunate men were actuated, and for which

they are reduced to the level of culprits, obnoxious to ſociety, and doomed to undergo a puniſhment the moſt cruel and vindictive enregiſtered on the rolls of Britiſh ſtory. I know well from experience, that, in the fervour of enthuſiaſms, men will often be impelled to greater extremes than thoſe who, with premature deliberation, reflect upon the nature and the means of attaining their object. But even ſuch a reflection cannot be attached to thoſe gentlemen, although men of high talents and acknowledged virtues; whoſe pulſes therefore were more likely to beat high for the public welfare, and whoſe boſoms would therefore glow with more animation in the cauſe of public freedom. It is ſufficient for me to ſay, that a great body of people believed their caſe to be hard in the extreme, inaſmuch as they viewed them ſunk down into the abyſs of miſery, whence they were doomed to look up to their leaders, now ſeated upon the pinnacle of power, and rioting in the full poſſeſſion of the higheſt offices in the State. It is ſufficient that our intentions were good, and we felt ourſelves juſtified in applying the name of perſecuted patriots, to men who at leaſt profeſſed to love their country, and who bottomed their conduct on the precedent of the moſt illuſtrious characters of the nation. We came forward to petition the executive Magiſtrate for mercy—mercy is a quality of the Britiſh throne, it adorns and ornaments it; it is indeed its brighteſt gem, and it was certainly laudable, humane, and benevolent in the people to addreſs his Majeſty, more eſpecially when his confidential ſervants had greatly diſtinguiſhed themſelves in the ſame cauſe, and had thereby mounted into his favour amid the ſhouts of the people. Delightful is it at all times to arreſt the arm of puniſhment; delightful to avert the ſcourge of law: Muſt we then be deemed ſeditious for ſo generous an effort! muſt we be deemed worthy of puniſhment for ſupplicating the executive Magiſtrate in the cauſe of mercy, of which he is the ſource! muſt our law aſſume the aſpect of anger and harſhneſs, when we lay our petitions at the foot of the throne, and beſeech him to ſtep in between the ſentence of the law and its execution, to ſpare thoſe whoſe honeſt enthuſiaſm, or even whoſe errors, have unfortunately led them to deſtruction!

The next circumſtance which came under our conſideration, was a petition to the Houſe of Commons, the legality of which no one will doubt. The Houſe of Commons have themſelves univerſally agreed, that there is a great want of national repreſentation. There is hardly any one perſon in it who has not been at one time or other an aſſociator. To petition the Parliament, therefore, was to acknowledge it as ſuch; it was a peaceful mean of obtaining that, without which we thought the commonwealth could not be ſaved, without

which we thought national grievances would accumulate, and without which we thought even national diſorders might ariſe: but it is ſaid this petition was brought forward for the purpoſe of having it overruled; the conſequence of which is, that its being rejected was to inſtil into the minds of the people that the Houſe of Commons were regardleſs of their juſt petitions. I ſhall adduce in evidence, (and the only evidence indeed whom the proſecution have been able to produce on this head is Broomhead) I ſhall produce a maſs of reſpectable evidence, who will prove that I was not in the room when the reſolution libelled was ſaid by Broomhead to have been ſuggeſted; that I was at the diſtance of twelve miles from Sheffield at the time; who will ſwear that they were preſent, and that no ſuch propoſition was ever reſolved upon, and therefore will do away that part of Broomhead's evidence, who, though I believe is an honeſt man, is certainly very wild and incoherent *.

The next point was to determine upon the propriety of petitioning the King for an abolition of the Slave Trade. I ſhall not arreſt your attention long upon this affecting ſubject: You remember a few years ago, when the cauſe of humanity was bandied from every corner of our iſland, to the Houſe of Commons; and you know the reſult; the queſtion was thrown out by a large majority, although the efforts of reaſon, of eloquence, of philoſophy, of juſtice, were brought forward, in reprobation of that infernal traffic: all was unavailing; the Houſe of Commons thought it better to promote the national wealth than the national honour, and thereby irritated the minds of the people, and induced them to believe, that the cauſe of humanity was not ſo much reſpected in that Houſe as the cauſe of mercantile intereſt, and therefore gave great reaſon to feeling minds to ſuſpect, as the indictment ſtates, that " in the practice of legiſlation " humanity is but a name."—Such, then, is the nature of the advertiſement for the public meeting. This was our object.

The next thing to conſider is, whether we departed from that object, or ſtrictly conformed to it, in the ſubject-matter of the ſpeeches uſed to carry it forward.

The indictment ſtates, that I conſpired with Gales and Daviſon to aſſemble a body of men, to the number of 4000 or more, for a ſpecific purpoſe, which was to vilify and traduce the Houſe of Commons. In ſupport of this charge, the counſel for the proſecution have adduced ſeveral witneſſes,

* Some time ago Broomhead fancied himſelf to be big with child; his miſcarriage did not take place till three months after the conception.

then, without having proved that I am the author of the pamphlet (for the Emperor of Germany may as well be the author of it as any man in England) they come forward, and aſk theſe perſons, Did you hear ſuch and ſuch expreſſions:—why, it is very natural when an account is publiſhed of a man's ſpeech, and you take it up and read it two or three weeks afterwards, it is very natural that you ſhould imagine you had heard particular expreſſions, when you really had not. I myſelf have heard ſpeeches in the Houſe of Commons, converſed with the members who made them, ſeen the newſpapers next day, obſerved the great diſſimilarity between their repreſentations and their ſpeeches deliv ered, and have afterwards myſelf been brought to believe that they were correctly given. It is a very eaſy thing, from a wiſh and deſire to form the reſemblance, to imagine at length that it did reſemble, becauſe we all know that the human mind, unleſs it is extremely checked in its career, will often go beyond the bounds of juſtice and truth, and will too often take that as a fact which is founded upon poſitive error. However, they have ſtated that this ſpeech was made by me; and ſome of them, Frith, in particular, that every thing in this book was ſpoken; and he has ſtated expreſſions not in this book, which are too ſtrong certainly, not to leave an impreſſion upon every perſon to whom they were uttered. I will produce exculpatory evidence, and particularly a clergyman, an elegant claſſical ſcholar, who is a member of no political ſociety, who came for the purpoſe of criticiſing my ſpeech, who will ſwear that no ſuch ſpeech as in the indictment, or as ſworn by Frith, was delivered by me. I will adduce a maſs of evidence, the character of not one of whom the blaſt of calumny has ever reached, whoſe fair reputation the viperous tongue of ſlander cannot ſully, who will ſwear that the libelled paſſages were never uttered; and that paſſage reſpecting the 558 gentlemen in St. Stephen's chapel, will be ſo explained and qualified, as to leave proofs upon your mind that I was attached to the conſtitution of the country.

I muſt digreſs for one moment to take further notice of Mr. Law's ſpeech: He ſays, the rights of man before he enters into ſociety are thoſe of a ſavage; that he ſurrenders his rights upon entering into ſociety. I deny the poſition. The rights of man before he enters into ſociety are not known; for I believe there never exiſted a being not an aſſociated one. To deduce, therefore, any metaphyſical reaſoning from that point, would be a mere chimera, becauſe every analogy from human nature muſt be founded upon man AS HE IS; and therefore it is obvious that Mr. Law's argument muſt fall to the ground. Thoſe too often, alas! are ſavages who are in

a ſtate of ſociety. It is ſaid that man ſurrenders his rights. Does he ſurrender the rights of liberty and property? He only delegates the uſe of his faculties to the government for the purpoſe of public convenience. Utility has been ſtated even in this extraordinary pamphlet to be the ſole baſis of legiſlation; for what is government, what is ſociety, what is law—but becauſe they are uſeful.

The theory broached, that men *ſurrender* their natural rights by their entrance into ſociety, is both futile and falſe. The natural rights of men do not even ſuffer a *diminution* by their becoming ſocial members. But nothing can more clearly detect the fallacy of this doctrine, than the hiſtory of mankind, which proves that there never did *exiſt actually* any ſtate antecedent to the ſocial. The neceſſity of public force for the end of public protection, or, in other words, the exiſtence of government, can be demonſtrated to be coeval and co-extended with man. As, therefore, there is not a *ſingle* evidence in the records of hiſtory, which furniſh the remoteſt ground of probability for ſuch a theory, it is obvious, that all arguments deduced from it are chimerical, inconcluſive, and falſe; that they tend to legitimate tyranny, to ſupport uſurpation by ſophiſtry, and to varniſh deſpotiſm by illuſion.

Men do not therefore ſurrender their natural rights as ſocial beings, but only adopt a different mode of enjoying them. They ſurrender nothing, but they delegate much. Now, delegation ſtrictly implies in the perſon who delegates, a power of revocation, when the agent abuſes the truſt. All juſt government is therefore a delegation, or a combination of the *particular* force of each individual, for the expreſs purpoſe of enjoying, with greater ſecurity, thoſe natural rights. There is a *portion* of power entruſted mutually by men for protection againſt each other. Their *object* in ſo doing is far from a ſurrender; it is, on the contrary, for the direct purpoſe of inſuring the full enjoyment of natural rights; which enjoyment can be no otherwiſe ſecured, than by intruſting into the hands of the whole ſociety the exerciſe of thoſe *powers*, which one individual might employ to the injury of another. This reſignation of a portion of his natural ſovereignty over his own actions, a man makes, *merely* that he may be protected from the *abuſe* of the ſame dominion in other men. But this neither weakens nor precludes the exertion of natural rights. They are inſeparable from the character of man, and remain in their full integrity and vigour. Not only ſociety itſelf, but all the governments of the world, recognize them, and legitimate an appeal to them, in caſes of ſelf-preſervation and defence, or for the protection of kindred, or property, when the ordinary inſtitutions,

laws, or power of the ſtate, cannot inſtantaneouſly be called in to their preſervation.

The delegation of theſe *powers* muſt be *equal* in all the members of the ſocial order, becauſe the object is to all equally the ſame. The reſult of which is, that government being the aggregation of the *equal* portions of the power of every individual, voluntarily entruſted for the ſake of mutual convenience, or mutual abſtinence from injury, its force muſt operate equally on all, and its influence, whether to protect or puniſh, muſt be ſhed equally on all, that is, without diſcrimination of perſons. This is literally the eſtabliſhment of ſocial equality. Inſtead of deſtroying, ſociety not only realizes, but ſubſtantiates equality. Any other theory of equality, as derived from a ſtate of *nature*, is morally and phyſically falſe: For, in that ſtate, the greateſt poſſible inequalities, whether of ſkill, talent, or ſtrength, muſt exiſt among men. In this, therefore, conſiſts the great advantage of the ſocial union—that it guarantees ſocial equality, which the ſtate of nature neither does nor can guarantee.

From theſe arguments it muſt be inferred, that ſociety places the weak on an equal footing with the ſtrong, (a bleſſing which, in the ſtate of nature, or in the condition of a ſavage, according to Mr. Law, man does not nor cannot enjoy) every kind of political inequality is alike repugnant to the principles of natural right, and to the object of civil inſtitutions, conſequently is a groſs violation of the ſocial union, and ought not to be ſuffered for a moment. The government which authoriſes it, is a downright tyranny, whatever may be the *pretence*. Every aſſumption of power beyond what each individual has entruſted as the *object* of mutual ſecurity, is uſurpation, and ought to be inſtantly reſiſted.

Another conſequence of this reaſoning is, that all men retain a right to a ſhare in their own government, becauſe the exerciſe of ſuch a right by one man is not inconſiſtent with its poſſeſſion by another. And for the ſame reaſon, the exerciſe of this right by any one man to the excluſion of another, or by any body of men to the excluſion of the reſt of the ſociety, is injury—becauſe it eſtabliſhes POLITICAL INEQUALITY, and thereby deſtroys the expreſs object of the ſocial inſtitution. Whoſoever practices it, commits treaſon againſt the principles of ſocial union.

Nothing more completely defeats this abſurd theory of ſurrender of natural rights, than the language of the laws of all nations. Laws are *prohibitory*, not *permiſſive*. If they were permiſſive, their language would be to announce the portion of thoſe powers men had returned to them, *not* the part of which they are deprived, or deprive themſelves of.

What the law does not forbid, a man may do with impunity: hence the law itſelf inſtructs him, that he retains rights, which no power can impair or infringe, which are not the boon of ſociety, but the attribute of his nature. It is evident therefore, that man does not ſurrender a right in entering ſociety; he only concedes a certain power which he might abuſe, and which power, being added to the aggregate body, forms government for mutual convenience.

Mr. Law has inferred from the following expreſſions, in which deſpotiſm takes the lead, that I muſt have alluded to deſpotiſm in this country:—"It muſt be granted, that this "experience is important, becauſe it teaches the ſuffering "nations of the preſent day, in what manner to prepare "their combuſtible ingredients, and humaniſts in what man-"ner to enkindle them, ſo as to produce with effect that "grand political exploſion, which is to bury deſpotiſm in "ruins." I admit fully with Mr. Law, that had I uſed thoſe expreſſions, I ſhould have made an extremely irregular ſpeech; but I will produce perſons of great reſpectability, who will prove to you; (and the words exploſion and combuſtible ingredients are ſo ſtrong they could not eſcape any man's ears) I will call men who, if ſuch words had been uſed muſt have remembered, who will tell you that no ſuch expreſſions were ever uttered.

Mr. Law next ſtated, that my object by enlightening the minds of the people and diſſeminating knowledge, was to produce this grand political exploſion. Now, if I prove that no ſuch idea of the moſt remote kind was expreſſed by me, his conſequence neceſſarily falls to the ground. He has rather injudiciouſly, I think, for a gentleman of his ability, aſſerted, that the Houſe of Commons ſubſiſts under favour of prejudice; and that therefore to diſperſe the miſts of prejudice, (another paſſage libelled) and to produce inceſſant thunderings from the preſs, infers an intention to deſtroy the conſtitution. He has therefore found out no other way to eſtabliſh our conſtitution, but by favour of prejudice. Even deſpotiſm may be juſtified by prejudice; the conſtitution of Ruſſia has prejudice for its baſis, and exiſts by it: but I ſhall vindicate, as I ever have done, the conſtitution of this country upon other grounds, upon reaſon, juſtice, and public expediency. If ye be happy under the conſtitution, is it not becauſe ye think yourſelves free? Is it not becauſe ye think ye enjoy your rights? Is it not becauſe your property is ſecured to you? Theſe are circumſtances too prominent to admit of any other mode of explanation. But to ſay that a branch of the conſtitution exiſts upon prejudice, is to libel the conſtitution itſelf; it is offering an high inſult to the dig-

nity and character of a free people; to ſay it exiſts upon prejudice, is to ſay it exiſts upon falſehood, for falſehood is unqueſtionably prejudice. I agree with Mr. Law, that if you think theſe ſpeeches have been proved, and if it appear that my intention was criminal; for you are to retain in your minds a due diſtinction between criminalty of fact, and criminalty of intention, the illuſtrious baſis of Britiſh law; and if you ſhould alſo think that they are not founded in truth, then you will be juſtified as honourable men, in conſigning me to the puniſhment of the law. But let not a haſty conſideration of the paſſages contained in the indictment diſpoſe you to ſtamp them with the mark of guilt, as being unfounded in truth; for let me admoniſh you, that truths of the moſt ſimple nature have, on their firſt propagation, been deemed falſehoods; and even in theſe times, which we call enlightened, are of difficult diſcovery, and admitted with reluctance. Let it be engraven in your minds, that truth is immortal; that it is marked by nature in the hearts of men, and that to deny it is to extirpate every principle of morality, and every ſocial duty. By the ancients, it has been juſtly repreſented, unrobed, in native beauty, as the daughter of heaven, and expoſed, unveiled, by error; and to look at her was ſufficient to be convinced, to love, to admire, and to applaud.

Mr. Law has proceeded to obſerve, that I repreſented the Houſe of Commons to be corrupt as a body: I do not ſee how that inference can be drawn from the ſubject-matter. When perſons ſpeak of the corruption of the Houſe of Commons, they do not mean that it is corrupt as a component part of the Legiſlature, but by the abuſe of its principle, in the corruption of many of its members. It relates to the general venality, to the profuſe laviſhment of places and penſions among the members of that houſe, to thoſe ſly, deep, dark, intriguing ſchemes, which are formed to ſubvert the liberties of the people. They do not mean to ſay the Houſe of Commons is corrupt as an inſtitution; if they did, they would be denying the utility of that which is the ſource of public ſecurity; they ſpeak only of its members, and only of a part of its members, ſince it is univerſally allowed that many of them are deſervedly in the confidence of the people.

I ſhould have conceived it neceſſary in the outſet of this proſecution, for Mr. Law to have proved me connected with Mr. Daviſon, one of the defendants; on the contrary, only one evidence, Widdiſon, proves me ever to have been in his company, while Hill, one of the witneſſes for the Crown, on the contrary, ſwears that he requeſted Daviſon to come

to me, who anſwered that he was not upon intimate terms with me, and therefore would not come.

Such are the general obſervations which occur to me upon the ſpeech of Mr. Law.

Now, let me call your minds to many circumſtances which took place in our country during the laſt year. You will recollect that an alarm ſeized every one; you will recollect that the Houſe of Commons, in one day, in the midſt of a paroxyſm of deluſion, threw the liberties of the people at the foot of the throne; I mean by the ſuſpenſion of the Habeas Corpus act: You will recollect that, in conſequence of that ſuſpenſion, every man was unſafe in his perſon, every man even had reaſon to tremble for his life.

Mr. Juſtice Rooke. I muſt check you, Mr. Yorke, when you talk of the Houſe of Commons throwing the liberties of the people at the foot of the throne.

Mr. Yorke. If your Lordſhip had permitted me, I ſhould have explained that idea.

Mr. Juſtice Rooke. I ſit here upon my oath, and I cannot ſuffer any ſentiment to paſs that is at all diſgraceful to that Houſe.

Mr. Yorke. It was far from my intention; I was only ſtating that the Habeas Corpus Act was ſuſpended, and was about to ſtate the reaſon why.

Mr. Juſtice Rooke. I have heard you with great pleaſure, and am very ſorry to be obliged to interrupt you.

Mr. Yorke. I was ſtating, and I deſire to qualify my expreſſion, that the liberties of the people had been laid at the foot of the throne by the Houſe of Commons. I deſire now to be underſtood, that I conſider the Habeas Corpus Act and the trial by Jury, as the firmeſt bulwarks of our liberties;—certain it is, that the legiſlature thought the country in danger, that treaſon lurked abroad, that it was neceſſary to ſtrengthen the arm of government, and neceſſary, in ſome degree, to weaken the liberties of the people; that is the ſenſe in which I wiſh you to underſtand it. Danger was imagined from within, and certainly danger hovered over us from without. The Habeas Corpus Act was ſuſpended, and the generality of thoſe perſons who had ſignalized themſelves during the laſt year, as friends to reform, were taken up, many of them brought to trial, and ſome honourably acquitted; but my caſe was deſtined to exhibit a greater degree of hardſhips. Men whoſe experience of life was far ſuperior to mine, and from whom a more rigid account of conduct might have been expected, were reſtored to their liberty; but to the youngeſt man, juſt ſtepping forth from the threſhold of infancy, the priſon doors were not opened;

I was to be hunted down by proſecution,—my ſpirits attempted to be broken,—to ſuffer a long ignominious impriſonment, and to endure it too without a trial. I liſtened to Mr. Law and expected he would have told you why I was not tried at the laſt aſſizes, when my witneſſes were all ready, my Counſel prepared—when a great expence had been accrued—when a day was fixed for trial, under a charge of high treaſon, which you now ſee pared and melted down into this pitiful charge of a miſdemeanor. I called then for trial, I could not obtain it. Magna Charta ſtates that juſtice ſhall not be delayed to an Engliſhman; but to me juſtice *was* delayed. From my profeſſional views of life it was a a cruel ſtroke—cut off from ſociety—ſhut out from my friends, and all who had the power of ſerving me. Notwithſtanding all this, when I was provided for trial, I had not the opportunity of defending myſelf, and am at length brought forward with ill health and broken ſpirits under another charge. Under theſe circumſtances, therefore, I muſt ſay I feel extreme anxiety—I feel for all the prejudices under which I have long laboured—I feel for that ſpecies of prejudication, becauſe it often happens that innocence itſelf has reaſon to tremble when ſlander * and perſecution have long followed it.—I feel that innocence cannot be heard, but when thoſe who are to decide are totally unprejudiced. All I have to ſay is, lay aſide prejudice for a moment and

* "Vice hath not, I believe, a more abject ſlave; ſociety produces not a more odious vermin; nor can the devil receive a gueſt more worthy of him, than a ſlanderer. The world, I am afraid, regards not this MONSTER with half the abhorrence which he deſerves; and I am more afraid to aſſign the reaſon of this criminal lenity ſhewn towards him; yet it is certain, that the thief looks innocent in the compariſon; nay, the murderer himſelf can ſeldom ſtand in competition with his guilt: for ſlander is a more cruel weapon than a ſword, as the wounds which the former gives are always incurable. One method, indeed, there is of killing, and that the baſeſt and moſt execrable of all, which bears an exact analogy to the vice here diſclaimed againſt, and that is poiſon. A means of revenge ſo baſe, and yet ſo horrible, that it was once wiſely diſtinguiſhed by our laws from all other murders, in the peculiar ſeverity of the puniſhment.

"Beſides the dreadful miſchiefs done by ſlander, and the baſeneſs of the means by which they are effected, there are other circumſtances that highly *aggravate its atrocious quality*; for it often proceeds from *no provocation*, and ſeldom promiſes itſelf any reward, unleſs *ſome black and infernal mind may propoſe a reward in the thoughts of having procured the ruin and miſery of another.*

"Shakeſpear hath nobly touched this vice, when he ſays,

> "Who ſteals my purſe ſteals traſh, 'tis ſomething, nothing,
> 'Twas mine, 'tis his, and hath been ſlave to thouſands:
> But he that filches from me my good name,
> Robs me of that WHICH NOT ENRICHES HIM,
> BUT MAKES ME POOR INDEED."

TOM JONES, b. II. c. I.

hear, impartially, the whole of the defence which I mean to inſtitute—let my witneſſes be examined—let their private character be ſifted to the bottom, they are men who would do honour to any cauſe they are brought forward to ſupport; one of them a clergyman, a ſcholar, who came for the purpoſe of criticiſing that ſpeech, wiſhed to form an acquaintance with me, dined with me on the very day of the meeting, and ſifted me to ſee whether I was the man that I was ſtated to be by public report; he will tell you I *was* not, and I will not at all anticipate the pleaſure that I am to have, and, I truſt, the ſatisfaction that you will feel when you come to hear his teſtimony.

I come now to examine the evidence. Broomhead has ſtated to you, but not with correctneſs, (he does not pretend to ſay, with certainty) that I was preſent when this public meeting was agreed to be called, and Mr. Law will, of courſe, draw this inference from it in reply, that I muſt have been privy to the intention. I ſhall produce members of the committee who will prove that I was abſent; that I had no knowledge whatever of their meeting; who will prove my objections to it, my poſitive refuſal to be their chairman, and my recommendation to appoint another perſon, a gentleman of property in the neighbourhood.

You will obſerve, the indictment ſtates, that I was confederated with Daviſon. None of the witneſſes for the proſecution have even inſinuated that I had any knowledge of Daviſon;—how then could I have conſpired with him?—It has been proved that I was only once in his company, and ſurely one who was conſpiring would not truſt his ſecrets with a man with whom he had no previous acquaintance, which will alſo be proved by my evidence on that head.

The evidence of Widdiſon is reſpecting the pikes. Widdiſon ſtates that Gales ordered him to make a dozen of pikes, in conſequence of which he did make them.——What were the queſtions put to him by the Crown?—Was Mr. Yorke privy to theſe pikes?—Did he know that you made them?—Good God! Is any man to be criminated becauſe he happens to hear that two men agree to make pikes?—Did I ſtimulate them to arms?—No, a cloud of witneſſes will be called, who will prove to you that I never ſuggeſted the idea of arms (Hill himſelf ſays ſo), who will prove to you, that ſo far from ſtimulating their paſſions againſt the government, my language was not only conſtantly peaceable, but ſpecifically threatened them with the dangers which might ariſe from tumult and confuſion; that the cauſe of reform could only go on with the cauſe of peace, and it would be giving

a ſtrong argument to the enemies of reform, that if a little was granted more would be expected.

Joſeph Eyre, the conſtable, gives no evidence, and ſeems merely to have been introduced for the purpoſe of diſplaying the pikes; the whole of his evidence is, that he has found pikes, one here and another there; he might as well have ſaid he went to York, and found one there, and to Derby and found another there. Am I to be called to account for men having pikes in their poſſeſſion, not that I think it an illegal act; for I will, by and by, ſhew you that every man has a right to have arms in his own defence, and according to his condition. Eyre ſtates nothing about my ſpeech at the Caſtle Hill, but that there was ſuch a noiſe he could not hear.

I have now taken the moſt important evidence of the whole. Upon the evidence of Wreaks and Frith I ſhall not trouble you with much comment, their teſtimony, whether conſidered in its matter or manner, ſpeaks for itſelf. You obſerved that I undertook the taſk of croſs-examining Frith myſelf; for certainly I, of all men, am the moſt capable of judging what I *did* ſay, and certainly therefore the moſt capable of knowing whether this paper, ſtated to be a repreſentation of what I *did* deliver, is abſolutely ſo in fact. Knowing that it is not ſo, and knowing that it does not contain any other than a very defective account of the matter which I ſpoke—it was very natural for me to preſs him extremely upon the points he adduced—I did not trouble myſelf with croſs-examining him much, but merely repeated his anſwers to the queſtions put to him by the Counſel for the Crown—invoked him, as he ſtood before God and his country, to take his own time, and ſeriouſly to reconſider his aſſertions—he has repeatedly ſworn to all—I have taken down his evidence—I will bring honeſt witneſſes to give the lie direct to every word he ſays, and there I leave him.

Now, Gentlemen, I am going to take upon me a very laborious taſk—I am going to defend (even admitting thoſe ſpeeches to have been ſpoken)—I am now going to defend them upon the principles of the Britiſh Conſtitution, and the laws of the land. You will obſerve the firſt ſpeech, Frith himſelf declares was in general applicable to the caſe of Mr. Muir, and the reſt of thoſe unfortunate gentlemen; that it was applied ſolely to the circumſtances relative to their proſecution: but in the ſpeech here libelled, I am repreſented as entering into a general diſcuſſion upon the principles of civil ſociety. It begins with ſaying, "the day is at length arrived, when "fanaticiſm and ſuperſtition."——Now let us reſt here a

moment; ſuppoſe you admit this expreſſion to have been uttered. I might here declare, that I meant from it the fanaticiſm ofthe Methodiſts, and the ſuperſtition of the Roman Catholics; a fair inference from Frith's teſtimony, who has coupled the expreſſion with others on Popery, and a declaration that he is himſelf a Roman Catholic. But his evidence on this paſſage is equally falſe with the reſt of his evidence. I do not intend to explain it in that way, for the words were never uſed; but, Gentlemen, is it not true that the day *is* arrived, when fanaticiſm and ſuperſtition are gradually declining. Do we not ſee men, whoſe minds were abſorbed in ignorance, coming forward into the light?—Do we not ſee thoſe men who have been long under the trammels, unqueſtionably of ſuperſtition, enjoying now the peaceful comforts of a more pure religion, and a more enlightened morality? This we daily witneſs.

It is ſaid, "The energy of Engliſhmen will no longer endure this ſtrange uproar of injuſtice," (meaning, the indictment ſays,) "of injuſtice in this country; and meaning and "inſinuating thereby, that injuſtice is practiſed in this country by the government thereof;" that is the inuendo, the previous part of the ſpeech is referable to principles of ſociety, and ſo it will be found in various parts where the inuendoes are made, which inuendoes, of themſelves, libel poſitively, in my opinion, the general character of the nation.

"I truſt, my countrymen (meaning the people of this "country) are ſick of religious and political impoſture, and "that their deciſive and manly conduct will command, in "an imperious tone." Now, have we never heard that kind of language from our conſtitutional lawyers and parliamentary writers?—Moſt certainly.——I will now produce one——My Lord, I am ſo exhauſted, that I truſt your Lordſhip will permit my ſolicitor to read for me.

Mr. Juſtice Rooke. Certainly.

Mr. Yorke. Gentlemen, this book is the production of the learned Mr. Petyt, and——

Mr. Juſtice Rooke. Mr. Yorke, I mean to direct the Jury, that every man has a right to diſcuſs political ſubjects; but as to diſcuſſion here, I ſhall not ſuffer it, no judge can decide between you, when Mr. Law comes to reply. It is every man's right, but he muſt take care ſo to expreſs himſelf as not to excite diſcontent and diſaffection. If a man expreſſes his political ſentiments, it is for the Jury to ſay with what intention he does it; they are not to diſcuſs the metaphyſical ſentiments, but the intention with which he does it. As to the citing all theſe authorities, the Court

cannot liſten to them. There is no doubt as to the great queſtion; very honeſt men entertain different opinions upon the ſubject; the only difficulty is, for every man ſo to maintain his ſentiments, ſo as not to violate the public peace, and the queſtion is not, whether you have maintained a falſe propoſition; the queſtion is, whether, when you find fault with imperfection, your ſpeech has been ſuch as tends to *peace and order* *; that every man has a right to diſcuſs political ſubjects, I certainly agree.

Mr. Hotham. It is Mr. Yorke's intention, my Lord, to ſhew that expreſſions, ſtronger than thoſe he made uſe of, have been uſed by the moſt eminent lawyers.

Mr Juſtice Rooke. It will be for Mr. Yorke to ſhew that, upon ſimilar occaſions, great men have uttered ſimilar expreſſions.

Mr. Yorke. My Lord, there is this difficulty, I think there are ſome points which would come much more pointed from ſuch authorities. The Jury ſhould conſider, and I would have it impreſſed on their minds, that although young, the collection of theſe authorities has not been the reading of one day, or one week, or one year.

Mr. Juſtice Rooke. And when I tell the Jury that your notions may, in themſelves, be perfectly innocent, I ſuppoſe you will be ſatisfied with that, and that the queſtion will only be whether thoſe notions have been improperly and unſeaſonably uttered; not whether the notions themſelves are improper. I promiſe that I will ſtate to the Jury, and I now ſtate it to them, that Parliamentary reform has called forth a great deal of diſcuſſion, and that a perfect conſtitution cannot be expected in the preſent ſtate of human nature; and, therefore, honeſt men may employ means whereby that conſtitution may be ameliorated: but the queſtion is, whether they have kept within the line; if they have made uſe of improper occaſions, or language that is intemperate, they are amenable to the laws of their country: on the contrary, if in moderate language, and on proper occaſions, then what they ſay is perfectly innocent.

Mr. Yorke. My Lord, there is another difficulty; it has not been proved that I am in the leaſt concerned in that publication.

Mr Juſtice Rooke. That is a queſtion for the Jury, excuſe my ſaying any thing upon that now; but as to your

* Theſe words, printed in Italics, I have endeavoured to ſupply, Mr. Ramſay having left a blank in his copy.

principles, they are ſuch as may very innocently be diſſeminated. I think what I now ſay puts an end to the neceſſity of your producing authorities.

Mr. Yorke. It certainly ſhall, my Lord; I am happy to hear your Lordſhip lay that down as your opinion: but your Lordſhip ſees one thing that came out upon the examination of almoſt every witneſs, that I gave ſome account of the Engliſh conſtitution, and what my opinion of it was, and that when I reprobated the want of equal repreſentation, I reprobated it as not poſſeſſing its primitive purity. Your Lordſhip recollects two Acts of Parliament in the reign of Edward III. which ſpecifically mention that annual Parliaments were the then law of the land, and ſeveral other circumſtances in our Parliamentary hiſtory, as well as acts of Henry IV. and the diſqualification act of Henry VI. go ſtrongly to eſtabliſh the ancient right of equal repreſentation. Am I, with your Lordſhip's permiſſion, to ſtate what my perception was of that conſtitution, in order that I may point out where the neceſſity of reform lay; which, inmy opinion, with ſuch precedents and great authorities as theſe before me, will contribute greatly to my juſtification.

Mr. Juſtice Rooke. I don't at all find from the evidence hitherto, that the mode of reform has been hinted at;—annual Parliaments and univerſal ſuffrage is the general principle upon which the witneſſes ſay you have gone. Now annual Parliaments and univerſal ſuffrage are contrary to the preſent eſtabliſhed conſtitution of the country. The ſubject of Parliamentary reform is certainly open to every man's diſcuſſion; but the only queſtion will be, whether you have diſcuſſed it peaceably.

Mr Yorke. When the triennial act paſſed, many of the firſt laywers regretted that they had not demanded annual Parliaments, which they declared to be the ancient law of the land.—Lord Somers, who framed the declaration of rights, was decidedly of that opinion. I have his own authority for it, in a work of his, entitled "The Judgment of "whole Kingdoms." I will juſt take your Lordſhip's opinion upon one authority upon equal repreſentation. Sir Thomas Smith, Doctor of Laws, in this work, written in the time of Queen Elizabeth, entitled "De Republica Ang-"lorum," aſſerts it directly in book the 2d, chapter the 2d, pages 50, 51, which he calls An Account of the Engliſh Conſtitution; in a very particular manner, he ſays,

"Atque ut concludam breviter, quicquid in centuriatis "comitiis, aut in tribunitiis populus Romanus efficere

" potuiſſet, id omne in comitiis Anglicanis, tanquam in " cœtu

" I. PRINCIPEM
" II. POPULUMQUE

" repreſentante, commode tranſigitur, intereſſe enim illo " conventu omnes intelligimur *cujuſcunque amplitudinis ſtatus* " *aut dignitatis* princepſve, AUT PLEBS fuerit, *ſive per teip-* " *ſum hoc fiat, ſive per procuratorem* *."

" Plebs," my Lord, is a very ſtrong word, Sir Thomas Smith, being a doctor of laws, a degree which in the times he lived in required a knowledge of the civil law, it is obvious he uſed it as a civilian, and it is therefore ſtrongly favourable to the modern acceptation of it. This gentleman was Lord Chancellor to Edward VI. and Secretary of State to Queen Elizabeth. And I can produce books written from two to four hundred years ago, in which whole paſſages are to be found exactly ſimilar. However, I will only juſt read one or two extracts from Forteſcue, Coke, and Judge Blackſtone, and then paſs on.

Gentlemen of the Jury,—In the firſt place, with reſpect to annual Parliaments, here is an account given by Sir Henry Spelman of the ancient Anglo Saxon government, of their holding their michel-gemote: and he ſtates it in *annuo parliamento*. Mr. Camden has another caſe in point. Here is the parliamentary roll of 5th Edward II.———

Mr. Juſtice Rooke. You ſeem not at all aware that the Crown uſed to call a Parliament annually, but there was not an annual election. Theſe words *annuo parliamento*, relate to the time of their meeting, and not their election.

Mr. Yorke. Then I will not trouble your Lordſhip with any authorities †.

Gentlemen of the Jury, I ſhall certainly attend to the direction of his Lordſhip, and ſhall quote no more books.

Gentlemen, I conceive as his Lordſhip has juſt now laid it down, that provided a man confine himſelf to the ſtrict rules of decency and good order, he has a right in this coun-

* And to conclude, in a word, whatever the people of Rome could do in their *comitia centuriata*, or *tribunitia*, all thoſe things are properly tranſacted in Engliſh Parliaments, as being aſſemblies in which both

I. PRINCE &
II. PEOPLE

are repreſented; for *we are all ſuppoſed to be preſent in that aſſembly, of whatever quality, ſtate, or dignity, whether noble or ignoble, either in perſon or by our repreſentatives.* This work was tranſlated by Robert Mulcaſter, a ſtudent of law in the reign of Queen Elizabeth.

† I think it, however, not unneceſſary to trouble the public with a few of them.—See Appendix, No. II.

try to give his opinions upon any ſpecific plan of government. I conceive alſo, that he has a right, provided his principles or ſpeeches have not a tendency to diſturb the peace or tranquillity of the country, to advance any principles that ſhall ameliorate the ſocial order. This poſition is, I believe, generally admitted to be the law of the land: if this be the caſe, you cannot ſay that any man has been propounding ſedition who has, from a pure motive, been endeavouring to reſtore the conſtitution to its primitive integrity. Suppoſe, for a moment, I *am* in error, and that annual parliaments were not the law of the land, as his Lordſhip has declared, at any rate it muſt be admitted, that triennial parliaments were by an act of the legiſlature in the time of King William III. As to the principle of univerſal ſuffrage, it does not mean that perſons of property ſhall be excluded from that juſt degree of conſequence which they ought to enjoy in the ſtate; and I believe property would be more ſecure, if a more equal repreſentation were eſtabliſhed, and if the ſyſtem of annual parliaments were again reſtored, or even triennial parliaments. All thinking men admit the principle of univerſal ſuffrage, however they may differ reſpecting the expediency of its practice. In conſequence of thoſe principles, which I have formed from much reading and much reflection, which I have formed from the opinions of men whom I now ſee high in life, from thoſe principles I felt myſelf bound to act. You will judge, from the evidence I ſhall adduce, whether I have gone beyond the bounds of prudence, and whether, if I have gone beyond the bounds of prudence, there be any degree of criminality in the intention, upon which alone the law of England authoriſes you to find me guilty. We live certainly in an age when every nation in Europe ſeems to be diſturbed by internal danger; we live in an age when the political horizon is clouded with a fearful proſpect, when principles are eſtabliſhed which were never before known in the world, and when all the ancient ſyſtems under which men have lived are ſhaken to their foundations. It therefore becomes our duty to conſider whether, as good men and good citizens, we ought not peaceably, and in good time, to reform our government; it behoves us to conſider, whether it be not expedient to produce this reform immediately; it behoves you to conſider alſo, whether you will be authoriſed in puniſhing a man who, from ſuch a motive, has thus acted; becauſe it is evident, that if he had done ſo he has been an enemy certainly to anarchy and revolutions: it will be proved to you, that my conduct was totally inimical to every ſpecies of anarchy; and this you will hear from men whom

the counſel for the Crown may ſift to the bottom. If this *be* true, for God's ſake, why do I ſtand here? Why am I arraigned for that which has brought other men into power, who now enjoy the confidence of his Majeſty. The Duke of Richmond himſelf was an advocate for annual parliaments and univerſal ſuffrage. This gentleman is not puniſhed, he has not been arraigned; but becauſe I poſſeſs not his perſonal conſequence in the ſtate, becauſe I am unbefriended by factions, and am hoſtile to all political parties, I am called forth to be the victim of your inſulted laws, though I have exactly purſued that beaten track in which other men have gone for at leaſt fifty years paſt. You know, gentlemen, a few years after the triennial bill paſſed, motions were made by many worthy patriots in the Houſe of Commons for annual parliaments; and preſently after the reign of Queen Anne, on the pretence of danger from a foreign invaſion, it was conſidered by the members who were then devoted to the Houſe of Brunſwick, that if there was a freſh election, the party attached to the Pretender might, by intrigue and deception, again involve the ſtate in civil commotion; to avoid which ſeptennial parliaments were introduced, and they have remained ever ſince, without any reaſon whatever having been aſſigned for their legality, without any reaſon whatever for their expediency, and when the oſtenſible cauſe for which parliaments had been prolonged was removed; therefore ſeptennial parliaments are moſt unqueſtionably an abuſe, ſince one of the———

Mr. Juſtice Rooke. Septennial parliaments are the law of the land, and I cannot hear you go on in that way.

Mr. Yorke. Septennial parliaments are unqueſtionably an *actual* law of the land; but what I mean to ſtate is, whether according to the principles of the Revolution they ought to be ſo. May I not ſtate it as the opinion upon which I acted?

Mr. Juſtice Rooke. No.

Mr. Yorke. Mr. Pitt himſelf, and moſt of the great men, have held the ſame language.

Mr. Juſtice Rooke. Not in a court of juſtice. I am bound by my oath to abide by the law, and I cannot ſuffer any body to derogate from it.

Mr. Yorke. I hope your Lordſhip did not think I meant to ſtate any thing derogatory to the law of the land; I only meant to ſtate that as my opinion.

Gentlemen—In ſhort, I ſee clearly all I can ſtate to you reſpecting thoſe principles by which I have been impelled, muſt be drawn within a very narrow compaſs—*that of a*

Reformer. It will be the duty of the counſel for the Crown to prove me to have been a Revolutioniſt; for if they are unable to diſprove my poſitions, you cannot be authoriſed in giving a verdict for the Crown, unleſs thoſe ſpeeches which were made by me ſhould be deemed libellous and ſeditious, and alſo that they were delivered with a criminal intention.

Nothing will now remain for me but to addreſs your minds upon ſubjects very important to the intereſts of ſociety—the right of opinion, the freedom of the preſs, and the immutability of moral truth. It is neceſſary that, in the peaceful diſcuſſion of ſubjects of government, morals, religion, or manners, the preſs ſhould be allowed to teem with publications, provided they be not inconſonant with the happineſs or peace of mankind. It was the doctrine of the good King Alfred, that the people of England ſhould be as free in their actions as their thoughts. Our conſtitution was built upon that patriotic ſentiment, and he was its illuſtrious founder. Trial by jury enables you to bridle the licentiouſneſs of the preſs, and to decide as judges of the land, both upon the fact of publication, and the intent of publiſhing, which muſt become objects for your inveſtigation. For even, if it be proved that I was the author of this publication, ſtill if you ſhould think my intention was not criminal, but ſimply to inform the minds of my fellow-citizens, ſurely you cannot, upon your oaths as men, put your hands to your hearts, and ſay, This man is guilty of the crime alleged. For though he may have exceeded the bounds of moderation, his intentions being laudable, we are not to ſacrifice him, becauſe zeal may have hurried him, as it does moſt men, to a degree of intemperance. A man feels an energy about him when embarked in a juſt cauſe; and this enthuſiaſtic deſire of attaining the favourite object of his mind, increaſes upon him in proportion to the probability of ſucceſs, and to the legality of the meaſure itſelf. I am not ſpeaking of that terrible enthuſiaſm which has begotten ſo much havock, and ſuch great misfortunes in a neighbouring country, nor of that enthuſiaſm which has cauſed ſo many wide-waſting and deſolating wars in the world, domeſtic ſtrifes and civil commotions, but of that which is engendered by virtue, that which enables a man to kindle in the common blaze of liberty, and impels him in a time of danger, from an enlightened love of country, to be foremoſt, and to ſhare its various fate, whether of deſtruction or of glory. If enthuſiaſm be capable of producing ſuch generous ſentiments, it behoves you to conſider all the circumſtances of the caſe; to conſider, whether if I have exceeded thoſe

limits, you are authoriſed in leaving me out of your hands, and committing me to the judgment of the Court. The dangers with which this country is threatened, are ſuppoſed to ariſe from men who make the cauſe of reform a colour for their pretences to inſtigate the nation to a revolution. It is ſuggeſted, (and why it is ſuggeſted at this period I know not) that every man who eſpouſes the cauſe of reform is a leveller, as well as a republican; and if he wiſh for a more equal repreſentation, that he means to deſtroy the conſtitution, as conſiſting of King, Lords, and Commons. You are to weigh theſe things in the juſt balance of diſcrimination; you are to examine whether I have employed pretenſions to veil crimes, and whether, from the nature of the evidence you have heard, as well as from that which you are to hear, the reform propoſed is ſuch as you, and every good Engliſhmen, would wiſh to ſee eſtabliſhed, or whether it is that which would tend to involve your country in all the horrors of anarchy and confuſion.

It is high time that the elements of knowledge ſhould be domeſticated, and that ſcience ſhould ſtoop to enter the poor man's door. It is high time that truths, which are wrought by nature on the minds of men, and which have a tendency to promote their happineſs, ſhould be unravelled. From the rational inveſtigation of ſubjects, eſſential to the melioration of mankind, we ſhall be enabled to conclude upon thoſe ſyſtems which ſeem moſt conducive to the attainment of that generous end. All opinions therefore, whether right or wrong, ought to be entitled to a free and liberal communication: For there never can be any diſcrimination between truth and falſehood, if the exerciſe of either be forbidden. To reſtrain the avowal of principles, or even the propagation of opinions, has ever been the miſtaken intereſt of rulers. It has been conſidered as very politic to compel every inhabitant of the country to unfold the means by which his expences are furniſhed. It ought to be an unchangeable principle of government, that every individual be not only permitted but required, in the imperious name of his country, to proclaim the opinions which direct his rule of action. Such a law might cauſe, among thoſe perſons who are entrenched within the retreats of affected prudence, no ſmall degree of trouble and anxiety, but it would occaſion a great advancement of truth, knowledge, and freedom. The public ſafety is not injured by thoſe who aſſemble in public ſquares and meetings, and advance doctrines, couched in the ſpirit of error, but from thoſe who never ſhew their faces among the people, who never publicly avow any opinions, who tempo-

rize always between truths and falſehoods, or who undulate from one ſide to the other, as the tempeſt of opinions blow them.—From ſuch men the commonwealth can have no hopes, nor can it repoſe any kind of dependence upon them: for, like another Proteus, they aſſume a thouſand different ſhapes, proportioned to their ſelfiſh principles, their intereſts, or their views. It may be replied, that theſe obſervations have a direct tendency to ferment the public mind, and to promote ſedition; but to have right thoughts of things, and to communicate thoſe thoughts to others, is the whole part we have to act on this ſtage of the world. Thoſe who are denied the exerciſe of this right I pity as ſlaves bending beneath the rod of oppreſſion and the angry brow of misfortune. Thoſe who ſurrender this precious gift of God, and thoſe who do not claim, aſſert, and vindicate it, when occaſions offer, deſerve the contempt of men, and ought to have the manacles of power rivetted about their necks. If you puniſh a man for not deſcrying truth as *you* deſcry it, you puniſh him on no other ground, but becauſe he ſees not as you ſee. To deſpotiſm the exerciſe of reaſon is not only unneceſſary, but inconvenient and dangerous. Tyrants, civil and eccleſiaſtical, have accordingly reprobated it in all ages, and they have ſtretched out their vindictive arm, arrayed in terrors, to execute thoſe tortures which the utmoſt ſubtilty of the human mind hath invented for the prevention of the uſe of reaſon. No wonder! it is the only ſure and fatal enemy to every ſpecies of tyranny; men will ever be free in exact proportion as they uſe their underſtandings: hence the love of truth has been deemed ſeditious and dangerous to the ſtate by oppreſſive magiſtrates: hence the origin of perſecution, which hath hung its infernal clouds for ages over the world, under which nothing generous and manly could ever ſpring up, and which hath rendered almoſt the whole face of this earth a frightful waſte, flooded and traverſed by rivers of human blood. Sometimes indeed, to the conſolation of oppreſſed humanity, the benignant light of philoſophy hath ſkimmed upon the ſurface, and truths have occaſionally illuminated and refreſhed the world. To thoſe generous minds which have occaſioned it; to thoſe who have ſacrificed their intereſt and their lives to produce it; to thoſe, who ſtill ſtruggle for the freedom of human reaſon and all the great rights of human nature—let all praiſe and all thankfulneſs be given. Every man who encourages and aſſiſts his fellow-creatures to the acquiſition of truths, by the exerciſe of their own faculties, deſerves well of the world; but he who impoſes ſilence on the human mind, who would debar men of the free exerciſe

of human powers, and who would conſign ſociety again to the ſleep of dark ages, is an enemy to the beſt intereſts of mankind! It is the jealouſy of deſpotiſm, holding truth in deteſtation, which hath expoſed nations to the abandonment of reaſon, and to the conſequent adoption of error: it is this which hath tarniſhed the pages of hiſtory with the recital of thoſe victims to its jealous policy, who were the warm and avowed votaries of reaſon. But the activity of the human mind is not thus to be ſuppreſſed! ſuch a mode of rule might prevail when the governments of the world exhibited nothing but the melancholy proſpect of maſters and ſlaves! but it will have no currency among a people who love liberty, and who have the ſpirit to aſſert it. It may be ſaid that, in thus vindicating the rights of the human mind and pleading the dignity of the human character, I aim at the ſubverſion of order and peace. It may be ſaid, that the people are as incapable of exerciſing this liberty, as they are unfit for liberty itſelf; and that in their unſteady hands it would be an engine of licentiouſneſs, more likely to be employed to their injury than to their benefit. Until it ſhall be proved that thoſe who rule are made of a different compoſition to thoſe who obey; until it ſhall be proved that they are endowed with minds naturally different and ſuperior to thoſe of the vulgar, I ſhall never be perſuaded to admit ſuch a doctrine, which would eventually transform the great majority of mankind into beaſts of burthen, in order that a few might load and drive them. Order and peace are valuable only as the means of happineſs.

In the deſpotic regions of the Eaſt, the ſilence of the people beſpeaks their miſery; all is order and peace—ignorance and ſlavery. Is the order, and abjectneſs, and peace, ariſing from ignorance and ſlavery, to be put in competition with that ſpirit-ſtirring vigour, and that heart-felt animation, which are only to be derived from the love of knowledge or virtue. It may be ſaid, that I am uſeleſsly pleading a cauſe, which does not ſtand in need of my aſſiſtance; that here every man is at liberty to think for himſelf, and all opinions are tolerated. As far as this is true, it is an honour to the country; but there are yet many bitter remnants amongſt us of the ancient leaven of perſecution. It is time that theſe ſhould be removed, and that the mind ſhould no more be under a ſubjection ſo mortifying, ſevere, and humiliating. When the channels of complaint are barred up, the ſenſe of injury ſinks deeper into the heart, the mind is ſoured and irritated, and opportunity is ardently ſought after to attract and concentrate the materials of the riſing ſtorm, which with ſo por-

tentous an aſpect, threatens the horizon of humanity with unforeſeen miſchiefs. It is in your power to give to the benevolence of genius full ſcope to become the defenders of thoſe who, from defect of education, cannot defend themſelves. It is in your power to make the word COUNTRY agitate the minds, and regulate the conduct of the men of England. From a juſt comprehenſion of the duties we owe to it, a thouſand intellectual and moral bleſſings will neceſſarily ariſe; but there never will be any genuine love of it; thoſe duties will never be acknowledged, until individual probity and public probity be one and the ſame. National hopes can never be raiſed; national ambition can never be arouſed, until we ſhake off our lethargic torpor, and develope the germs of genius, of virtue, and of public glory. National independence can never be ſecured as long as *borough*-repreſentation pervades the country, perpetuating corruptions, and widening the breach to the introduction of freſh abuſes. If that confidence, which is the pillar of ſociety, muſt be deſtroyed by unwarantable ſuſpicions; if rewards muſt be held out to the blood-hounds of information as the pledge of public ſecurity; if public proſecutions are to ſour and imbitter the public mind—how can ſuch a nation proſper?—how can it become reſpectable in the ſociety of nations? If you prevent freedom of diſcuſſion, you will deſtroy that happy equilibrium of government, ſo eſſential to the permanence of our political freedom, which our fathers drew up for us, written with their blood, and without which, as Mr. Law has ſtated, man would be a perfect ſavage, and our country would be merged in that gloomy and brooding barbariſm, beneath whoſe barren and noxious ſhade it had ſlumbered for centuries preceding the glorious epoch of the revival of letters, and the ſtill more glorious invention of the art of printing.

Before the dawn of civilization and of letters, a barbarian ignorance, the offspring of Gothic policy, overwhelmed the world; and when Luther, holding in one hand the ſacred writings, and with the other beckoned to the northern nations to arouze themſelves from the profound lethargy in which their mind had been ſunk and embruted, the faculties of the mind ſprung up into life, and men recovered the privileges of ſenſitive beings by the uſe of inquiry and thought: Nor did he attempt to hurl down the idols of ſuperſtition from a ſpirit of commotion, but from the full conviction that he was conducted in his progreſs by the torch of truth. Fortunately, indeed, for Luther, kings, princes, and magiſtrates, found it to be their intereſt to martial themſelves around his ſtandard, and to draw their ſwords in de-

fence of *his* cauſe, which they now made their *own*; but had *his* principles ran counter to *their* political intereſts, we ſhould have ſeen mighty barriers oppoſed to the diſcuſſion which then took place; we ſhould have ſeen the bloody banners of perſecution unfurled by thoſe very princes who, on this occaſion, found it *convenient* to inveigh againſt perſecution itſelf; we ſhould have ſeen inquiſitorial tribunals erected in every ſtate of Europe, and fires lighted up to bewilder conſcience and terrify opinion: and, it is much to be doubted, whether even the *little* that *was* gained to reaſon, by the reformation of religion, would ever have taken place. But happily for men, for once, the diſpoſition of princes was found to agree with the diſpoſition of the people, and the cauſe of the people became the cauſe of princes, a general inſurrection of the human mind blew up, with the fury of a volcano, againſt that papal domination which had ſubjugated it for whole centuries. This Coloſſus, which had only ignorance and ſuperſtition for its baſis fell, ſtruck down by a pebble; and when the daring arm of a barbarous monk * had rent aſunder the veil which had covered it, the genius of the age applauded the deed and ſtamped his name with glory; and had the free right of diſcuſſion, which it was then found *expedient* to permit, been prolonged, the pure religion of reaſon would long ſince have been fully eſtabliſhed amongſt mankind.

Before the invention of the art of printing, which hath ſince wrought ſo great a change in the condition of mankind, uſeful knowledge dwelt only in the ſequeſtered habitations of a few philoſophers; hence, in the hiſtories of Greece and Rome, nations ſo often held up in theſe modern times as fit examples for imitation, you read of nothing but maſſacres, ſeditions, and ſlaughters, the conſequent effects of ignorance, of faction, and of power abuſed. Read merely the marginal notes of Livy, and you will find them all pointing to the ſad condition of ſociety, which, in the body of his work, he

* It is impoſſible to read without indignation, the manner in which Luther treats all his adverſaries, but eſpecially the Pope. "Little Pope, little, little Pope, you are an aſs, a lubberly aſs, walk loftly, it is ſlippery, you will break your legs, and then people will ſay, what the devil is this,——the little aſs of a little Pope is lamed; an aſs knows it is an aſs, a ſtone knows it is a ſtone; but theſe little aſſes of Pope's do not know that they are aſſes." This low abuſe, which appears ſo ſhockingly contemptible to us, went down well enough in that part of the world.

Eſſ. on Univ. Hiſt. c. 107.

This ſame Luther, in order to effect the ſuppreſſion of private maſſes, was not aſhamed to call in the aid of the devil. This zealous reformer pretended that the devil had appeared to him and reproached him with ſaying maſs and conſecrating the hoſt. The devil proved to him, he ſaid, that it was idolatry. In the recital of this pretended apparition, he acknowledged that the devil was in the right, and therefore ought to be believed.

has described with so much glowing eloquence; or read the more nervous and affecting account of that illustrious historian, who has painted men with so much energy, truth, and address—affecting events, in so pathetic a manner, and virtue with so much sentiment; who possessed, in so high a degree, the true eloquence of expressing great things simply, and who may be regarded as one of the best masters of morality, by that sad but useful knowledge of men, which may be learnt from his works*. With these in your hands, you will read the dismal history of the ignorance and depravity of the human mind, and with the history of your own country; with the history of the savage priest, who dips his hand in human gore; the gloomy inquisitor, who gluts his eyes with the slow lingering torments of his fellow-creatures; and the statesman reeling drunk with the adulation of the people; from all these you will be enabled to extract one substantial truth, which the vicissitude of human affairs justify, that *without knowledge there can be no liberty.* But when the art of printing was invented, the mind commenced a revolt against error, and the heart a rebellion against oppression; men became gradually better informed, and science enlarged her circuit; the principles of government were investigated, and its legitimacy was ascribed, not to a commission from heaven, a *jure divino* right, but to its fitness to promote and ensure the peace and happiness of society. Unfortunately, the first progress of the art of printing was slow; it did not perform its prodigies until a long time after prejudices and the ascendancy of power had raised a formidable rampart against all spirit of novelty, and innovation. Ambition, interest, and injustice, were not backward to avail themselves of the same means employed by reason to oppose them; and before ignorance could understand the characters traced on paper, the press had sent forth as many falsehoods as truths into the world. In our own country nothing hath so much contributed to our national welfare as the freedom of discussion, supported by this beneficent art. You know well our history—you know that the ignorance of the people has been the source of our public misfortunes—you know that the darkness which overshadowed the rest of Europe and eclipsed the human mind, darkened also our country; and if, at any time, philosophy at intervals appeared amongst us, it flashed but for a moment like the meteor in the heavens. Want of knowledge hath deluged every plain of this country with our kindred blood.—All the wars of the barons, and the contentions,

* Tacitus.

ſometimes for one pageant, ſometimes for another; ſometimes for religion, ſometimes for idle ceremonies, ſometimes for the public cauſe, are melancholy proofs of the ignorance and imbecility of an infatuated people, raging, as Lord Bolingbroke remarks, till the field of battle, and ſome theatres of clandeſtine murders left no man on one ſide alive who was in a condition to oppoſe or give jealouſy to the other. We know too that juries have been the tools of ambitious miniſters, and the blood of the innocent has often been ſhed to appeaſe their anger. The blood of Sydney and Ruſſel were ſmoaking upon the ſcaffold, when the higheſt eulogies were offered to the trial by jury; and yet, this very trial, inſtead of becoming the ſanctuary of the oppreſſed, was converted into an engine of deſtruction for the people. If, therefore, in reading the hiſtory of England, I glory in the benefits of the trial by jury, is it not becauſe I know the dreadful conſequence of its abuſe? If I inquire into the utility of the Houſe of Commons, is it not becauſe I look back to the times of the barons, when our fathers were in a ſtate of vaſſalage—when they had no opinion of their own—when they were the ſlaves of maſters—and when the houſe of the people was not, as in after ages it has been, the advocates of the public cauſe? From Hume's Hiſtory of England, you will find that houſe conſidered in no other light but like the Parliament of Paris to enregiſter the edicts of kings and nobles, to grant aſſeſſments and impoſe burthens on the people. From the freedom, therefore, of public diſcuſſion, I am led to examine into the principles of this government, and if I have diſcovered that the Houſe of Commons was a mere ſhadow of repreſentation, a mere farce, an engine employed either to corrupt the people, or to enable the executive power to wield injuſtice over their heads; and if I compare it with its circumſtances, during later times, I am bound to ſay, that it is an uſeful branch of the legiſlature. Thus, in examining, if every point of diſcuſſion be only carried on on both ſides with decency, if puniſhment follow not inſtantly, that opinion is ſubmitted to the tribunal of the public, it is the moſt generous ſacrifice you can make to the intereſts of your country. I muſt further obſerve that men, conſidered as aſſociated beings, do not come into ſociety to debate on abſtract and metaphyſical points, but to decide upon thoſe which will beſt promote their intereſts; to determine thoſe controverſies, which otherwiſe, let looſe to roam about the nation, might lead to the worſt of confuſions; and let it be ever impreſſed on your minds, that it is the annihilation of a free and liberal ſpirit of opinion which is the nurſe of anarchy.

France, a few years ago, weary of long injuſtice, broke, with a ſovereign and vigorous arm, the fetters in which the ſpirit of domination had enthralled her noble pinions, and roſe like an eagle from the boſom of knowledge, to the ſublimeſt heights of reaſon, and ſeemed to be moving faſt to the higheſt reach of human glory, when there aroſe one who trampled upon her laws, and roſe upon the ruins of public freedom; who, after having raiſed himſelf amid the howling ſtorm, to enormous power, mounted upon all the virtues and vices of the French republic, pointed with the one hand her furious and burſting paſſions againſt the confederate allies; and, with the other, wrote the ſacrilegious mandate of death, which was to ſend to the ſcaffold the beſt and moſt virtuous of his fellow-citizens—all who oppoſed his tyranny fell victims to his fury—all thoſe who were eminent for talent, virtue, or patriotiſm, were the objects marked out to gorge his ſanguinary tribunals. Thus, while he deluded the public mind, alarmed timorous conſciences, and lighted up diſunion among his countrymen, while he impreſſed upon their fanatical minds notions of dangers where none exiſted, and of conſpiracies where none were found, Robeſpierre obtained the public confidence, which he ſoon abuſed, and which the people dearly repented of; for, immediately that it was eſtabliſhed, they diſcovered that they had raiſed an idol of terror to themſelves; and while the veteran armies of Europe, defeated and diſgraced, were retiring before the courageous and well-reſolved legions of France, Robeſpierre, with his hands reeking with the blood of his friends, and of thoſe who had been the inſtruments of his abuſed power, aſpired at a domination which he was only to acquire by letting looſe the waters of bitterneſs over his country, and which, when he *did* acquire, he had neither the courage nor the ability to hold. Such have been the frightful effects in a neighbouring country of depreſſing public ſpirit and annihilating public opinion; of impoſing ſilence on the liberty of the preſs, or controling it by the authority of government. Happily, for the world, France is now recovering from that wretched ſcene in which ſhe hath been involved; and, I truſt, with the bleſſing of heaven, that the moderation of her preſent legiſlators will give ſecurity, both to the liberty and property of her citizens, and permanent quiet to the nations which ſurround her. Such then, whatſoever may be the form of government, are the fatal effects of ſubjecting the mind to the tyranny of opinion; as moral truth is always immutable, as it reigns in the boſom of the univerſe, ſo ought it to reign in the boſom of every man.

He, therefore, who thinks he can point out the road by which it can be diſcovered, ſo far from deſerving puniſhment and proſcription, merits the applauſe of his fellow-citizens; of this conduct jurors are always the judges, and if government, whether from motives of public ſecurity, or for the gratification of perſonal reſentment, ſhall prefer a proſecution againſt any individual—that proſecution is inſtituted for their deciſion;—it is ſubmitted to their opinion, becauſe they exerciſe, in this inſtance, the higheſt power in the ſtate—becauſe you ſit as repreſentatives of the whole nation, and are ſuppoſed to concentrate in your perſons its whole opinion: conſidered in this light, you exerciſe an high office, and you cannot be too cautious of the delicacy of the ſituation in which the laws have placed you. I truſt you will diſcriminate without paſſion, and put the moſt liberal conſtruction, not only upon words, but upon actions. If, Gentlemen, government be founded upon the confidence of the people it will invite diſcuſſion—it will feel that it is built upon the ſenſe of its utility—it will feel that it will no longer exiſt than while it is believed to be uſeful—it will not deſire to be ſupported by corruptions and abuſes, but upon the inductions of reaſon, and the applauding ſentiments of thoſe who live under it. In ſhort, it is from the colliſion of opinions that light is ſtruck out, and it will be found, I believe, to be an invariable rule, that magiſtrates are more ſecure when their intereſts are found to coaleſce with the intereſts of the people.

Now, Gentlemen, let us reſume our remarks on theſe expreſſions, deemed ſo inflammatory—let us ſee if we cannot produce, from the writings of ſome of the firſt perſonages of our country, more ſtrong expreſſions than thoſe which have been employed in this pamphlet. Attend to the words of Mr. Burke delivered during the American war.

"The Houſe of Commons was ſuppoſed originally to be no part of the ſtanding government of this country, but was conſidered as a controul, iſſuing immediately from the people, and ſpeedily to be reſolved into the maſs from whence it aroſe. In this reſpect it was to the higher part of government what juries are in the lower. The capacity of a magiſtrate being tranſitory, and that of a citizen permanent. The latter capacity, it was hoped, would of courſe preponderate in all diſcuſſions, not only between the people and the fleeting authority of the Houſe of Commons itſelf; but, it was hoped, that being of a middle nature, between ſubject and government, they would feel, with a more tender, and nearer intereſt, every thing that concerned the people, than the

other and more permanent parts of the legiſlature. Whatever alteration time and the neceſſary accommodation of buſineſs may have introduced, this character can never be ſuſtained, unleſs the Houſe of Commons ſhall be made to bear the ſtamp of the actual diſpoſitions of the people at large. It would (among public misfortunes) be an evil more natural and tolerable, that the Houſe of Commons ſhould be infected with every epidemical phrenzy of the people, as this would indicate ſome conſanguinity, ſome ſympathy of nature, with their conſtituents, than that they ſhould in all caſes be wholly untouched by the opinions and feelings of the people out of doors. By this want of ſympathy they would ceaſe to be a Houſe of Commons."

And again, " The virtue, ſpirit, and eſſence of the Houſe of Commons, conſiſts in being the expreſs image of the feelings of the nation. It was not inſtituted to be a controul *upon* the people, as of late it has been taught by a doctrine of the moſt pernicious tendency, but as a conſtant controul *for* the people."

And further, ſpeaking of the denial of the juſt claims of the people, he ſays, " An addreſſing Houſe of Commons, and a petitioning nation; a Houſe of Commons full of confidence when the nation is plunged in deſpair; in the utmoſt harmony with miniſters, whom the people regard with the utmoſt abhorrence; who vote thanks, when the public opinion calls upon them for impeachment; who are eager to grant, when the general voice demands account; who, in all diſputes, between the people and adminiſtration, preſume againſt the people; who puniſh their diſorders, but refuſe even to inquire into the provocation of them. This is an unnatural, a monſtrous ſtate of things in this conſtitution. Such an aſſembly may be a great, wiſe, awful ſenate; but it is not to any popular purpoſe, an Houſe of Commons."

And again, " It muſt always be the wiſh of an unconſtitutional ſtateſman, that a Houſe of Commons, who are entirely dependent upon him, ſhould have every right of the people entirely dependent upon their pleaſure. For it was ſoon diſcovered that the forms of a free, and the ends of an arbitrary government, were things not altogether incompatible. The power of the crown, almoſt dead and rotten as prerogative, has grown up anew, with much more ſtrength and far leſs odium, under the name of influence; an influence which operated without noiſe or violence; which converted the very antagoniſt into the inſtrument of power, which contained in itſelf a perpetual principle of growth and renovation; and which the diſtreſſes and the proſperity of the coun-

try equally tends to augment, was an admirable ſubſtitute for a prerogative; that being only the offspring of antiquated prejudices, had mouldered in its original ſtamina, irreſiſtible principles of decay and diſſolution."

"Parliament was indeed the great object of all theſe politics; the end at which they aimed, as well as the inſtrument by which they were to operate. But before Parliament could be made ſubſervient to a ſyſtem by which it was to be degraded from the dignity of a national council into a mere member of the court, it muſt be greatly changed from its national character."

And again, "They who will not conform their conduct to the public good, and cannot ſupport it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the ſhattered and old faſhioned fortreſs of prerogative, and made a lodgement in the ſtrong hold of Parliament itſelf. If they have any evil deſign, to which there is no ordinary legal power commenſurate, they bring it into Parliament. In Parliament the power of obtaining their object is abſolute, and the ſafety in proceeding perfect; no rules to confine, no after-reckonings to terrify. Parliament cannot, with any great propriety, puniſh others for things in which they have themſelves been accomplices. Thus, the controul upon the executive power is wholly and abſolutely loſt."

"The diſtempers of monarchy were the great ſubjects of apprehenſion and redreſs in the laſt century—in this the diſtempers of Parliament."

"It is not in Parliament alone that the remedy for Parliamentary diſorders can be completed; hardly, indeed can it begin there. Until a confidence in government is re-eſtabliſhed, the people ought to be excited to a more ſtrict and detailed attention to the conduct of their repreſentatives. Standards, for judging more ſyſtematically upon their conduct, ought to be ſettled in the meetings of the counties and corporations; frequent and correct liſts of the voters in all important queſtions ought to be procured. By ſuch means ſomething may be done."

Theſe are alſo the opinions held by Dr. Jebb, who was an aſſociator at the time with Mr. Pitt, and is known, I believe, in York, to have been one of the warmeſt of the friends of freedom. This gentleman has ſtated that you have no right to *petition* Parliament on the ſubject of reform. permit me to read one paſſage to you. "To what purpoſe was it to prefer an ungrateful petition to a perſon which you could not legally coerce? Men, poſſeſſed of power, are not diſpoſed to part with it, upon the petition of the perſons

who have declared themſelves injured by its exertion; ſuch mode of ſeeking redreſs rather tends to perpetuate the grievance of which we complain." In another part, he ſays, "With reſpect to effecting the reform in queſtion, I own I feel ſtrong objections to the idea of complaining to the Houſe of Commons by *petition*. If the preſent mode of delegation anſwer not the purpoſe of its inſtitution, it is the proper office of the perſons immediately intereſted (that is to ſay, the conſtituent body), to form a plan for its amendment." By the conſtituent body, I take it he means the great body of the people In another part, he ſays, Vol. I. page 162. "Are our hopes of reformation then ſtill to depend upon Parliament?—Upon that Parliament, which it ought to be the purpoſe of every friend to his country to reform: a Parliament which can only be reformed by a recurrence to the principles of the conſtitution, and the ſtrenuous exertions of the collective body of the people? It is ſtrange, as an able man well obſerves, that it ſhall be allowed to the repreſentative to make every innovation in the conſtitution that ſelfiſhneſs and treaſon can ſuggeſt, and, at the ſame time, to heſitate whether the conſtituent has a right to reform what the *villainy* of the ſervant hath deranged." And again, p. 166. "Legiſlation is ineſtimable in the poſſeſſion of the poſſeſſor; the party alluded to will never conſent to accept of what we term a reaſonable compenſation for borough intereſt, until thereto *compelled* by the power of the people." And further, he ſays, page 171. "The opinion ſhould be inculcated that, if the people would have their buſineſs well done, they muſt *do it themſelves*—they muſt begin by putting themſelves in poſſeſſion of the right of ſuffrage, on the ſame principles as they would *abate a nuiſance, or demoliſh an incloſure, made on a common, without legal right.* Nor does ſuch an act imply, but rather exclude violence. A declaration to Parliament, from the preſent non-electors, that they are unrepreſented, and, therefore under no obligation to pay taxes, would be a ſufficient hint in times when there is ſo great an inability to pay them." And further, he ſays, page 455. "When the ordinary delegation ceaſes to expreſs the people's will, are the Commons of this country altogether deſtitute of conſtitutional reſource. When ſuch doctrines are openly maintained, it becomes us not to reaſon but *to act.*" And further, page 468. "Let an unprejudiced perſon conſult the political diſquiſitions of the late excellent Mr. Burgh; let him attend to facts, which muſt have fallen within his proper knowledge; and he may poſſibly be inclined to doubt *whether an Engliſh Houſe of Commons is in being at this in-*

ſtant. Let him turn his attention to the riſing ſpirit of this much inſulted nation; and, it is poſſible, he may conceive that the preſent is the moment for giving exiſtence to ſuch a body; and that this might be effected by meaſures perfectly conſtitutional and pacific." And again, page 526. "Petition ſeems to acknowledge a power in the Houſe of Commons of rejecting your ſuit. It transfers the authority from the ſenders to the ſent. It ſuppoſes, in the majority of the Houſe, a dignity and independence, *which the nature of the petition evidently implies they do not poſſeſs.* It calls upon them to reform themſelves, *which a corrupt body of men never did, nor can do.*" And again, page 494. "It was alſo with difficulty, I perſuaded myſelf to adopt a ſtyle, in my idea too humble for ſuch an occaſion, in an addreſs to the ſervants of the people; to a body of men, of whom I verily believed, the majority had already, in the ſhort period that had elapſed ſince their election, more than once manifeſted an utter diſregard to the intereſt of their conſtituents." And again, p. 524. "With reſpect to the mode of effecting the reform in queſtion, I own, I feel ſtrong objections to the idea of applying to the Houſe of Commons by *petition.* If the preſent mode of delegation anſwers not the purpoſe of its inſtitution, it is the proper office of the perſons immediately intereſted (in the conſtituent body) to form a plan of its amendment."

Such were the ſentiments of Dr. Jebb, the illuſtrious friend of Mr. Pitt and Mr. Fox; a gentleman, univerſally reſpected for the amiableneſs of his private character, and admired for his great learning, and a Profeſſor in the Univerſity of Cambridge. He afterwards acted as a phyſician in London, and died, I believe, univerſally regretted.

Here is alſo a work of Archdeacon Paley on Moral Philoſophy, and it is dedicated to the parent of Mr. Law, the Counſel for this proſecution. Dr. Paley is certainly no male-content, for I read the other day in the newſpapers, that he had another promotion of 1000l. a-year in the church, which I think he well deſerves. Speaking of Negro ſlavery, he ſays, "The great revolution, which ſeems preparing in the weſtern world, may probably conduce, and who knows but it is deſigned to accelerate the fall of this abominable tyranny; and when this conteſt, and the paſſions that attend it, are no more, there will ſucceed a ſeaſon for reflecting, *whether a legiſlature which had ſo long lent its aſſiſtance to the ſupport of an inſtitution replete with human miſery, was fit to be truſted with an empire, the moſt extenſive that ever obtained in any age or quarter of the world.*" In the chapter entitled "Duty of Submiſſion Explained," he puts the caſe of a difference in

in the nation, and determines, after Locke, in what manner it ſhall be ſettled.

"But who ſhall judge of this? *Every man for himſelf.* In contentions between the ſovereign and the ſubject, the parties acknowledge no common arbitrator, and it would be abſurd to commit the deciſion to *thoſe* whoſe conduct has provoked the queſtion, and whoſe own intereſt, authority, and fate, are immediately concerned in it. The danger of error and abuſe, is no objection to the rule of expediency, becauſe every other rule is liable to the ſame or greater; and every rule that can be propounded upon the ſubject (like all rules which appeal to or bind the conſcience) muſt, in the application, depend upon private judgment. It may be obſerved, however, that it ought equally to be accounted the exerciſe of a man's private judgment whether he be determined by reaſonings and concluſions of his own, or ſubmit to be directed by the advice of others, provided he be free to chooſe his guide."

And again, page 434. "If public expediency be the foundation, it is alſo the meaſure of civil obedience—that the obligations of ſubjects and ſovereigns are reciprocal—that the duty of allegiance, whether if it be founded in utility or compact, is neither unlimited or unconſtitutional—that peace may be purchaſed too dear—that patience becomes culpable puſillanimity, when it ſerves only to encourage our rulers to increaſe our burthen, or to bind it the faſter—that the ſubmiſſion which ſurrenders the liberty of a nation, and entails ſlavery upon future generations, is enjoined by no law of national morality.

And again, p. 485, "There is nothing in the Britiſh conſtitution ſo remarkable as the irregularity of the popular repreſentation. The Houſe of Commons conſiſts of 558 members, of whom 200 are elected by 7000 conſtituents; ſo that a majority of theſe 7000, without any reaſonable title to ſuperior weight and influence in the ſtate, may, under certain circumſtances, decide a queſtion againſt the opinion of many millions. Or to place the ſame object in another point of view; if my eſtate be ſituated in one county of the kingdom, I poſſeſs the ten thouſandth part of a repreſentative; if in another, the thouſandth; if in a particular diſtrict, I may be one in 20 who chuſe two repreſentatives; if in a ſtill more favoured ſpot, I may enjoy the right of appointing two myſelf. If I have been born or dwell, or have ſerved an apprenticeſhip in one town, I am repreſented in the national aſſembly by two deputies, in the choice of whom I exerciſe an actual and ſenſible ſhare of power: if accident

has thrown my birth, or habitation, or ſervice, into another town, I have no repreſentative at all, nor any more power or concern in the election of thoſe who make the laws by which I am governed, than if I was ſubject to the Grand Seignior."—He ſays further, " No uſage, law, or authority whatever is ſo binding, that it need or ought to be continued, *when it may be changed with advantage to the community.* The family of the Prince, the order of ſucceſſion, the prerogative of the Crown, *the form and part of the Legiſlature*, together with the reſpective power, office, duration, and mutual dependency of the ſeveral parts, are all only ſo many laws, mutuable like other laws, *whenever expediency requires*, either by the ordinary act of the Legiſlature, *or by the interpoſition of the people.*"

I will next read you an extract from Sir George Saville's letter to his conſtituents, the electors of the county of York. It is entitled, " An Addreſs to the Clergy, Gentlemen, and Freeholders of the County of York;"—and it is dated at Newcaſtle-upon-Tyne, September 5, 1780.——" But under all theſe diſheartening circumſtances, I could yet entertain a cheerful hope, and undertake again the commiſſion with alacrity, as well as zeal, if I could ſee any effectual ſteps taken to remove the original cauſe of the miſchief. Then would there be a hope."

" Till the purity of the conſtituent body, and thereby that of the repreſentative be reſtored, there is NONE.

" While the electors ſell their voices to the member, and the member diſtreſſes his fortune to buy them, Parliament will be the purchaſe of the miniſter. Parliament-men will find ways of partaking other advantages than merely their ſhare in common with yours, of thoſe good meaſures which they ſhall promote, and of thoſe good laws which they ſhall enact for your government and their own; and the modern improved arts of corruption, by contracts, ſubſcriptions, and jobs, is attended with this perverſe and vexatious conſequence, that their benefit is not only unconnected with yours, but it grows upon your diſtreſs. They feed on the extreme; they fatten on every extravagance, that art and ill conduct can ingraft on the natural diſadvantage of a remote, raſh, ill-fated, impolitic, and unſucceſsful war; the miniſter's direct intereſt (nay his ſafety) mean while requiring him to puſh the deſperate game, and even in ſelf-defence, to increaſe that very expence which is his crime; to entrench himſelf ſtill deeper in corruption, and by headlong and unmeaſured extravagance, to have the means of juſtifying to the *faithful Commons* his former miſmanagement and miſdeeds. See where this ends, but forget not where it begins.

"But I look upon reſtoring election and repreſentation in ſome degree (for I expect no miracles) to their original purity, to be that without which all other effects will be vain and ridiculous. The tenant-right or good-will of a leaſe of three years, is as ſaleable as that of a leaſe of ſeven. It will find its price at both the London and country markets. It will be bought; it will be ſold. The member will be as manageable, if the conſtituent be as venal; and they will not be afraid to meet at market as often as you pleaſe.

"But this is no time to talk of ſmall rubs or difficulties. If ſomething be not done, you may indeed retain the outward form of your conſtitution, but not the power thereof."

In his celebrated ſpeech in the Houſe of Commons, on the motion for ſending the Lord Mayor and Alderman Oliver to the Tower, for protecting the printers againſt the Serjeant of the Houſe of Commons in the year 1770, he declares; "This Houſe hath betrayed the rights of the people." He was called to order. Mr. Serjeant Glynn defended the words. Mr. Burke likewiſe, with great ſpirit, defended Sir George Saville, and called upon the miniſtry to puniſh Sir George, if the accuſation was falſe; and ſaid, that if a falſe and unjuſt charge had been made, the gentleman who made it ought to be ſent to the Tower; but added, that the miniſters were conſcious of the truth of the aſſertion, and therefore, in a tame and cowardly manner, couched under it. He ſaid, the people abhorred the preſent miniſtry, and aſked the Speaker if the chair did not tremble under him. Towards the concluſion of the debate, Sir George Saville ſtood up again, and declared, that he was as cool as before, more ſo he could not be; and added from Shakſpeare, 'Bring me the teſt, and I the matter will reword, which madneſs would gambol from;' "therefore, ſtanding up in my place as member for the county of York, I do declare, That the Houſe of Commons has betrayed the rights of the nation." No notice was taken of the words.

"We (the Houſe of Commons) are ſufficiently obnoxious, ſufficiently deteſtable, to the nation already; and if we have no regard to the city magiſtrates, we ſhould at leaſt have ſome little conſideration for ourſelves."

"Since I have the honour (ſays a ſpeaker on the ſame occaſion), I ſhould ſay the diſhonour, of ſitting in this Houſe, I have been witneſs to many ſtrange, many infamous tranſactions. What can be your intention in attacking all honour and virtue? Do you mean to bring all men to a level with yourſelves, and to extirpate all honour and independence? Perhaps you may imagine a vote will ſettle the whole con-

troverſy. Alas! you are not aware that the manner in which your vote is procured is a ſecret to no man. Liſten; for if you are not totally callous, if your conſciences are not ſeared, I will ſpeak daggers to your ſouls, and wake you to all the hells of guilty recollection. I will follow you with whips and ſtings, through every maze of your unexampled turpitude, and plant thorns under the roſe of miniſterial approbation. You have flagrantly violated juſtice, and the law of the land, and opened a door for anarchy and confuſion. After aſſuming an arbitrary dominion over law and juſtice, you iſſue orders, warrants, and proclamations, againſt every opponent, and ſend priſoners to your baſtile all thoſe who have the courage and virtue to defend the freedom of their country. But it is in vain that you hope, by fear and terror, to extinguiſh the native *Britiſh* fire. The more ſacrifices, the more martyrs you make, the more numerous the ſons of liberty will become. They will multiply like the hydra, and hurl vengeance upon your heads. Let others act as they will; while I have a tongue or an arm, they ſhall be free: and that I may not be a witneſs of theſe monſtrous proceedings, I will leave the Houſe; nor do I doubt but every independent, every honeſt man, every friend to England, will follow me. Theſe walls are unholy, baleful, deadly, while a proſtitute majority holds the bolt of parliamentary power, and hurls its vengeance only upon the virtuous. To yourſelves, therefore, I conſign you—Enjoy your Pandemonium."—Gentlemen, I leave you to conſider theſe expreſſions of Sir George Saville and the others, uſed in the Houſe of Commons itſelf. I have employed none ſo vehement, although my principles are the ſame as thoſe of the firſt literary men of the country, and grounded on notions, not on my own conviction, ſimply of the neceſſity of a reform, in a houſe where 327 members are returned by 2611 perſons, but upon the concurring opinions of the moſt ſplendid orators, the deepeſt reaſoners, the beſt men; on authorities, in other reſpects the moſt oppoſite, on the coincidence of every public meeting of the people, which has been held for years paſt. Such opinions could not have been prompted by any cold principle, but fortified by ſuch precedents, formed an animating ſpring of action. So far indeed from equality of ſuffrage being a complete departure from the fundamental articles of the Britiſh conſtitution, I maintain that the ſpirit, the hiſtory, the philoſophy, the beſt authorities, and every thing but the practice of that conſtitution, aſſert it. I cannot then be conſidered as an innovator, nor can I boaſt of being the original of ſuch principles; but I follow the

immortal Mr. Locke, when he declares, that "I have truly no *property* in that which another can by right take from me when he pleaſes, without my conſent:" And who further declares, that "governments cannot be ſupported without great charge, and it is fit every one who enjoys his ſhare of the protection, ſhould pay out of his eſtate his proportion for the maintenance of it. But ſtill it muſt be with *his own conſent*, (*i. e.*) the conſent of the majority, *giving it either by themſelves, or their repreſentatives choſen by them*; for if any one ſhall claim a power *to lay* and levy *taxes* on the people by their own authority, and without ſuch conſent of the people, they thereby invade the *fundamental law of property*, and ſubvert the end of government: for what property have I in that which another may by right take when he pleaſes to himſelf *?" I follow the late Lord Chatham, when he aſſerted, in the energy of juſtice, that to be taxed without being repreſented, is contrary to the maxims of the law, and the firſt principles of the conſtitution. I follow Lord Camden, when he ſaid, that taxation and repreſentation are inſeparable: and, laſtly, Judge Blackſtone, when he declared, with dignity and legal erudition, "that the Commons conſiſt of all ſuch men of *any* property in the kingdom as have not ſeats in the Houſe of Lords, *every one of which has a voice in Parliament, either perſonally or by his repreſentatives*. In a free-ſtate, every man who is ſuppoſed a free agent, ought to be in ſome meaſure his own governor, and therefore, a branch, at leaſt, of the legiſlative power ſhould reſide in *the whole body of the people*."

Now, Gentlemen, I aſk, whether a branch of legiſlative power does actually reſide in the whole body of the people, according to the definition which thoſe great characters have given of the Britiſh conſtitution? A petition has been preſented by men of the firſt rank and reſpectability in the country, aſſociated for the purpoſe of Parliamentary reform, and who are juſtly called the Friends of the People; from which it appears, to our misfortune, that a very many members, ſent by rotten boroughs, conſtitute a majority in the Houſe of the People—their petition is upon record—it is enregiſtered upon the journals of the Houſe of Commons itſelf: and their object was highly praiſe-worthy; for, I believe, that until the diſfranchiſing ſtatute of Hen. VI. the *practice* was built, in a great degree, on *perſonal repreſentation*; and, I ſtill think, that its *ſpirit* is the ſame. Theſe principles, ſo congenial to the nature of a free people, and ſo eſſential to

* Locke on Civil Government, § 138 & 140.

their happineſs, were illuſtrated on the plains of America. For an attempt to defend theſe principles, and to raiſe the ſpirit of reform, a matter of acknowledged neceſſity, the lion rage of my enemies hath been awakened, and I am brought before you under the ſweeping crimination of every man ſuſpected of wiſhing a reform. Who then are the conſpirators? Thoſe who have firſt deflowered the conſtitution, and afterwards proſtituted it for ſale. Who are the traitors? Thoſe who have wickedly plotted the combination of one part of the people againſt the other, and lighted up diſunion in ſociety; thoſe who have at firſt courted the people, afterwards petted them, and now threaten, without uſhering them into the conſtitution.

Gentlemen, Blackſtone has ſaid in the ſection on the nature of laws in general, "The conſtitutional government of this iſland is ſo admirably tempered and compounded, that nothing can endanger or hurt it, but by deſtroying the equilibrium of power between one branch of the legiſlature and the reſt. For if ever it ſhould happen that the independence of any of the three ſhould be loſt, or that it ſhould become ſubſervient to the views of either of the other two, there would ſoon be an end of our conſtitution. The legiſlature would be changed from that which was originally ſet up by the general conſent and fundamental act of the ſociety, and ſuch a change, however effected, is, according to Mr. Locke (who, perhaps, carries his theory too far), at once an entire diſſolution of the bands of government, and the people are thereby reduced to a ſtate of anarchy, with liberty to conſtitute to themſelves a new legiſlative power." And again, he ſays, Vol. I. p. 245. "Indeed, it is found by experience, that whenever the conſtitutional oppreſſions, even of the ſovereign power, advance with gigantic ſtrides, and threaten diſſolution to a ſtate, mankind will not be reaſoned out of the feelings of humanity; nor will ſacrifice their liberty by a ſcrupulous adherence to thoſe political maxims, which were originally eſtabliſhed to preſerve it. In theſe, therefore, or other circumſtances, which a fertile imagination may furniſh, ſince both law and hiſtory are ſilent, it becomes us to be ſilent too; leaving to future generations, whenever neceſſity and the ſafety of the whole ſhall require it, the exertions of thoſe inherent (though latent) powers of ſociety, which no climate, no time, no conſtitution, nor contract can ever deſtroy or diminiſh."

Gentlemen, There is another idea, which, of itſelf, ſufficiently juſtifies the doctrine of equal repreſentation, and which I have always regarded of mighty conſequence in the formation of laws, and in the infliction of puniſhments,

which, I believe, hath not been ſufficiently conſidered, even by the moſt zealous advocates of popular rights. It is this, That laws are not made for the pleaſure of making them, but they ariſe from neceſſity, and are invented for the good government of thoſe who are bound by them. It is juſt, therefore, that thoſe who are to be made liable to puniſhment, ſhould not only be made acquainted with the law itſelf which puniſhes, but ſhould alſo give their conſent to ſuch a law, without which the right of puniſhment becomes an unjuſt aſſumption of power; but the conſent of the people to them makes obedience to law a principle of moral obligation, and the infraction of it a violation of the ſocial compact; and this is the only ground on which the right of puniſhment can be legitimated or juſtified. This reaſoning can never be ſufficiently appreciated; and upon it, I think, the greateſt intereſts of ſociety ought to be determined; and, I am happy, that on this occaſion, I can again call in the aid (as I wiſh to do upon all occaſions) of one of our firſt conſtitutional lawyers, Mr. Juſtice Blackſtone, Vol. IV. p. 8. who ſays, "The lawfulneſs, therefore, of puniſhing ſuch criminals, is founded upon this principle, that the law by which they ſuffer was made *by their own conſent*; it is part of the original contract into which they entered, when firſt they engaged in ſociety; it was calculated for, and has long contributed to their own ſecurity. This right, therefore, being thus conferred by *univerſal conſent*, gives to the ſtate exactly the ſame power, and no more, over all its members, as each individual member had naturally over himſelf or others."

This juſt maxim of policy receives a further confirmation from the ſentiment of that illuſtrious philoſopher, whoſe book on crimes and puniſhments *, you will find I never ceaſed to recommend in my fugitive addreſſes to the public attention.

"What are theſe laws that I am bound to reſpect, which make ſo great a difference between me and the rich man? He refuſes me the farthing I aſk of him, and excuſes himſelf, by bidding me have recourſe to labour, with which he is unacquainted. *Who made theſe laws?* The rich and the great who never deigned to viſit the miſerable hut of the poor; who have never yet ſeen him dividing a piece of mouldy bread, amidſt the cries of his famiſhed children, and the tears of his wife. *Let us break theſe ties*, fatal to the greateſt part of mankind, and only uſeful to a few indolent tyrants. Let us attack injuſtice at its ſource. I will return to my natural ſtate of independence. I ſhall live free and happy on the fruits of my courage and induſtry. A day of pain and re-

* Beccaria.

pentance may come, but it will be ſhort; and for an hour of grief I ſhall enjoy years of pleaſure and liberty. King of a ſmall number, as determined as myſelf, I will correct the miſtakes of fortune; and I ſhall ſee thoſe tyrants grow pale and tremble at the ſight of him, whom, with inſulting pride, they would not ſuffer *to rank with their dogs and horſes.*"

Thus, Gentlemen, it is evident, as a fundamental principle of legiſlation, that every man has not only a deep ſtake, but an equal property in the laws which he is to obey.

Gentlemen, Emboldened by the language of all our great men, and by the practice of all thoſe who have been deemed patriots, I have, in an humble degree, been the advocate of equal repreſentation and ſhort Parliaments. Theſe rights I have deduced from precedents, although I might have defended them on reaſon and the analogies of hiſtory. But, notwithſtanding, I conſider them as the baſis of our ancient conſtitution, yet I would never provoke their adoption from the derivative claim of precedent; for neither the conceſſions nor the prejudices of anceſtors—neither their unruly temper nor their ſervility, nor the encroachments of ancient kings, can conſtitute any precedents againſt the natural rights of mankind. We muſt not receive liberty as a boon or as a legacy; it is the inherent property of human nature, and all men have a right to aſſert it with ardour when betrayed or diminiſhed; and they are culpable, in a high degree, when they neglect it. When either accident, cunning, force, or corruption, unhinge the form of a government, expedience only is to be conſidered in the reſettlement of public affairs, and thoſe who beſt provide againſt future evils, by ſuch a ſettlement, deſerve the moſt applauſe. For ſuch an attempt, it is true, the ghoſt of conſpiracy has been conjured up againſt me, and my deſtruction is eagerly ſought after by that crowd of people, of all conditions and ranks, who have contracted the unfortunate habit of living at the expence of the public, without ſerving it—who ſubſiſt upon a multiplicity of particular corruptions and abuſes, which they have at length accuſtomed themſelves to conſider as ſo many rights; and who, alarmed and terrified, or affecting to be ſo*, have formed a league, powerful by its numbers and the virulence of its clamours againſt the beſt friends of the conſtitution and laws of our country; but, it is to be hoped, that by your verdict they will acquire a leſſon of which they ſeem to ſtand

* I tell you, madam, it is all a trick,
I made the giants firſt, and then I killed them.
Grizzle to Queen Dollololla in the Tragedy of Tom Thumb.

much in need. You will teach thoſe who have nothing but *power* on their ſide to be ſilent when *reaſon* ſpeaks, and not to attempt to drown the voice of the people amid the din of corruption, nor to deny their competence to aſſert or to enjoy the bleſſings of living under the ancient laws of the land.

Gentlemen, Arms have been mentioned; and, to cloſe the ſcene, pikes have been exhibited. You will obſerve that the indictment ſtates, firſt, The deſign to traduce and vilify the Houſe of Commons, as a pre-concerted plan. Secondly, An aſſemblage of people in order to give countenance to that deſign. Thirdly, Incendiary expreſſions employed to promote that purpoſe; and, laſtly, To move the people to riots and tumults, for which they are inſtigated and adviſed to provide themſelves with arms and offenſive weapons; it was therefore neceſſary to introduce half a dozen pikes, in order to give ſolemnity to the cloſe of the proſecution. It would ſeem as if I intended to ridicule you, or to inſult your underſtandings, were I to occupy any portion of your time in what has not been proved home to me; and what, if proved, would be juſtified by the laws of the land*. The indictment ſtates, that theſe weapons were conſtructed for offenſive purpoſes; on the contrary, the evidence for the Crown have ſworn directly that the ſole object of their invention was defence: How, therefore, was it poſſible for me to negative what hath not been ſubſtantiated?—How is it poſſible for any man to imagine that thoſe who are employed in this proſecution meant to be ſerious, when weapons of defence were introduced as fit objects for crimination? Every ſubject in this country is entitled to the poſſeſſion of arms in his houſe, for the purpoſe of ſelf-defence, nor can the poſſeſſion of them be conſtrued into criminalty, unleſs it be proved that what the law intends for the defence of his property and family, he has employed in the annoyance of his fellow citizens; at leaſt I know of no law repugnant to this principle. The Bill of Rights, on the contrary, aſſerts that the ſubjects of this realm, being Proteſtants, have a right to arms; and Mr. Juſtice Blackſtone, after having recapitulated the various rights of the ſubject, concludes in theſe emphatic terms. "The 5th and laſt auxiliary right of the ſubject, that I ſhall at preſent mention, is that of having arms for their defence, ſuitable to their condition and degree, and ſuch as are allowed by law; which is alſo declared by the ſame ſtatute, 1ſt W. and M. ſtat. 2. chap. 2. and is indeed a public allowance, under due reſtrictions, of the natural right of reſiſtance and ſelf-preſervation, when the ſanctions of ſociety and laws are found inſufficient to reſtrain the vio-

* See Appendix, No. II.

lence of oppreſſion." . One circumſtance is to be remarked from this paſſage, that the people are to have arms *according to their condition and degree*, and the arms brought before you this day, preciſely ſuit the condition of thoſe for whom they were made; and are, according to the preſent ſyſtem of modern tactics, totally inadequate to offenſive purpoſes. Next, the very perſons who made them have ſworn that they had no other view but ſelf-defence. And, laſtly, they are allowed by law, becauſe the ſilence of the law reſpecting their uſe is a juſtification of the right of poſſeſſing them. Beſides the great authority I have juſt brought forward, I could ſhew you from many of our ancient lawyers, and more eſpecially from Lord Lyttleton, in his life of Hen. II. who has concentrated in one point, almoſt all that may be ſaid on the ſubject, that arms were not only a public allowance, but that thoſe perſons who were not in poſſeſſion of them were puniſhed by the law; beſides, as no act of Parliament has paſſed, reſtrictive of that right, it is a fair inference that the people of Sheffield have, in this inſtance, not departed from the rules of law.

Gentlemen, I have now gone through every part of the indictment, and the evidence brought forward to ſupport it. I will ſimply recapitulate the whole. I have replied to the arguments of the Counſel for the proſecution where a reply was neceſſary, vindicating occaſionally the public cauſe, aſſerting the rights of our commonwealth, and diſproving ſome of his poſitions, which appeared to me incongruous, unſatisfactory, and fatal to our political intereſts. The indictment hath alſo been commented upon abſtractedly, and as connected with the evidence intended to ſupport it. I have announced to you the nature of my exculpatory teſtimony, which I ſhall introduce to invalidate what is poſitively falſe, to rectify what is erroneous, and to clear up what is doubtful, as well as to give an unequivocal evidence of my uniform admonitions in favour of ſobriety, peace, and good order. I ſtill maintain that the conſpiracy has not been made out, and that I had no further communication with Mr. Gales, than any other man an inhabitant of Sheffield might have had; and my being in the room when Gales gave the reſolutions to Camage, can by no means criminate me, ſince perſons might have been there alſo who were totally unconnected either with party or politics, and who would be therefore equally culpable. My being at his houſe at the time when Broomhead aſſerts that I was requeſted by him to print my ſpeech, is no proof of conſpiracy, unleſs Mr. Gales had the power of the taliſman, to convert every man into a

conſpirator who went under the roof of his houſe. And even Broomhead, though ſeverely preſſed by the Counſel for the proſecution to declare that I aſſented to the publication of the ſpeech, has ſolemnly ſworn, that although repeatedly requeſted by Mr. Gales ſo to do, I gave no anſwer, and that he could draw no inference from my conduct, except, as he has obſerved ſubjunctively, in his own peculiar manner, "Silence gave conſent, if ſilence gives conſent." With reſpect to Daviſon, I believe the Counſel for the proſecution are themſelves ſatisfied, that they are unable in any reſpect to connect him with me. I have alſo commented, I hope ſufficiently, on that part of the evidence relating to the words libelled, and on the ſhameful and diſcreditable teſtimony given by Wreaks and Frith. I have not neglected to profit by the occaſion which this injurious proſecution hath given me to inculcate into your mind, and into that of this reſpectable auditory, the privileges of the ſubject on the freedom of diſcuſſion, and on the liberty of the preſs. I have aſſerted the dignity of the human character, and the rights of the human mind. I have endeavoured, as far as my abilities and my ſtrength would permit me, to proclaim the immutability of moral truth, ſo neceſſary to man's happineſs, and ſo connected with the firſt principles of morality. I have endeavoured alſo to vindicate the Britiſh conſtitution in its purity, and to illuſtrate briefly that magnanimous government which we derived from our Saxon fathers, and from the prodigious mind of the immortal Alfred. I conſide to your prudence, moderation, and juſtice, the final deciſion on a ſubject which has occupied time, too ſhort indeed for my juſtification, but too long I fear for your patience.

Gentlemen, You are now ſitting in judgment on a moſt important cauſe; recollect the whole proceſs of my proſcription, from the beginning to the preſent moment; recollect that I was introduced 200 miles from this place, while languiſhing myſelf in priſon, as a principal inſtrument by which the blood of men, ſince deemed innocent, was to have been ſhed; had there been found a jury who, in the ſpirit of alarm, would have convicted thoſe men, it is more than probable that, ſtanding as I now do, unbefriended, and forſaken even by men of my own profeſſions, the partizan of no faction whatever, I ſhould have fallen a victim to my upright intentions. I ſhould have been left to have been my own pilot, to have fought my own battle, and even to have periſhed without being regretted by thoſe to whom I am known, only in the ſunſhine of proſperity, and by whom I am forgotten when overwhelmed by misfortune; not a tear would have

been ſhed but by thoſe of my own family, whoſe peace of mind and whoſe domeſtic happineſs have been ſo painfully ſuſpended ſince my detention in this Caſtle. I ſhould have been left to have ſtruggled in a defence under which I muſt have ſunk, and with a maſs of evidence under the weight of which even innocence itſelf muſt have been cruſhed. When you reflect that I have been long ſuffering under a harſh and cloſe impriſonment, expoſed to the opprobrious tongue of calumny, and laid open to every ſpecies of cruel invective, without being allowed the means of defence, you muſt feel no ſmall degree of reluctance before you can be induced to give a verdict, which muſt expoſe me to the vengeance of the law, cut me off ſtill longer, and, from my ſtate of health, perhaps for ever from ſociety, and devote me in the morning of life to paſs thoſe days in a priſon, which ought to be buſily employed in laying the foundation of future comfort and tranquillity. Where indeed is the man to be found who, at ſuch a ſeaſon, would not rather have endured a long impriſonment of five or ſeven years, rather than have lived as I have done ſo long, ſinking under prejudices, and with the ſcaffold conſtantly before my eyes! Could even guilt attach itſelf to me, my ſufferings have been greater than my offence. The laws of every ſocial inſtitution are contrived for the purpoſe of preventing crimes, rather than for the purpoſe of puniſhing individuals; and when juſtice ſmites with the rod, it is for example, not for revenge. But muſt thoſe be gratified who think the laws have been outraged, and that vengeance muſt be reaped on the only one who was the leaſt capable of defending himſelf. The only one remaining of proſecutions which have failed in their object; the only one indeed who, under ſimilar circumſtances, ever came into a court under ſo many diſadvantages, alike purſued by inveterate enemies, and abandoned to his fate by thoſe from whom he might have expected better things. Will my deſtruction ſecure order in the State! Will my puniſhment, admitting that I have not ſuffered more than enough already, prevent thoſe inſurrections which are riſing up in every part of the country, from the want of the firſt articles of life, and from that complication of miſery in which this unjuſt and unnatural war hath involved our people! Permit me here to obſerve, that while we are blackened as ſeditious conſpirators, while I am denounced as the inſtigator of tumult and inſurrection, the town of Sheffield, when almoſt every part of England hath been a ſcene of riot, has remained in the moſt perfect tranquillity, obedient to exiſting laws, and patiently bearing the heavy burthens which the neceſſity of the State hath impoſed upon them. There has not been one

inſtance of the moſt partial inſurrection, not one act of hoſtility againſt the public peace, nor one act of aggreſſion againſt private property. Ought you not then to infer, that the people of that town are not indiſpoſed to ſubordination; that they are lovers of peace and good order; and that if they differ with yourſelves on the ſubject of parliamentary reform, they would not wiſh to obtain that reform by any other than peaceable means. I confeſs, that amidſt all my afflictions this is one great ſource of conſolation; it ſpeaks more for me than a cloud of witneſſes; it certifies my general character and conduct; it juſtifies my doctrines;—and I mention it with no ſmall degree of exultation and triumph. That in theſe troublous times, when every part of the commonwealth is in commotion, I ſhould ſtand here charged with irritating the paſſions of the people of Sheffield, and provoking them to tumultuous conduct, (a town too which has been ſtamped as the mart whence emanated all the treaſon of the land) that I ſhould ſtand here, I ſay, the avowed leader of a tumultuous confederacy, when facts ſpeak the direct contrary, is an event as aſtoniſhing as it is inconſiſtent; an event that beſpeaks my defence better than all my witneſſes, and honours the character of that town which has been ſo much belied and calumniated.

Theſe, Gentlemen, are ſtrong arguments, and I truſt it will operate powerfully on the minds of thoſe who, from a black and malign ſpirit, or who honeſtly perhaps have originated this proſecution againſt me, fatal to my individual intereſt, my happineſs, and my future proſpects in life. I truſt it will recal them to a moment of reflection; that they will conſider how dreadful a deed it is to ſacrifice unprotected innocence, harbouring no diſhonourable motives, to unmerited puniſhment. How dreadful a deed it is, to bring an individual before ſo ſolemn a tribunal as this, accuſed of intentions and crimes which the events of the day flatly contradict. The ſeaſon when conſcience reproves muſt come, though late; then muſt *they* determine whether *he* ought to have been puniſhed, becauſe *they* were alarmed; whether *he* ought to ſuffer, becauſe *they* were ſafe; whether pain ought to be inflicted when ſecurity was undiſturbed.

Has there been any inſurrection againſt the government of the country? Have thoſe plots which fear hath fabricated, and ignorance believed, been any where proved? Certainly not—Why then do ſtate proſecutions rage around us; is it for the purpoſe of continuing deluſion, or of ſtriking terror? If the channels of public juſtice be corrupted, if juſtice itſelf be converted into the means of revenge, national miſery is

arrived at its height, the laws intended to protect mankind will become inſtruments of their deſtruction, the havock of the innocent muſt take place, and the moſt dreadful misfortunes which can befal a nation will prevail.

Gentlemen, In order to conciliate the affections of the people, you muſt perſuade them, you muſt be attentive to their intereſts, and they will not only love but obey with pleaſure; obedience without confidence is but a wretched ſyſtem of government. It is but culpable puſillanimity. This trial is not a ſimple contention of property, or of diſpute between individuals, but it is a queſtion of the firſt national importance: It is to determine whether truth ſhall be diſcuſſed, or whether its propagation ſhall be followed up by puniſhment. In all ages and countries, ſtate proſecutions have been the ominous precurſors of great and direful commotions. The annals of our own country are ſo replete with inſtances of this nature, that the obſervation muſt be familiar to every mind. When the ſanctuary of the laws no longer afford refuge to the good intentioned, but is converted into an engine of deſtruction, the rights of the people will ſoon become objects of mockery, every art will be employed to divide, to corrupt, and to give countenance and encouragement to deſpotiſm. The moſt retired and private ſentiments of men muſt ſuffer violation, and a tyranny, extenſive as well as cruel, will environ us, lift up its head, and threaten defiance. But this is not the worſt: Truth no longer flaſhing like the lightening of heaven againſt the miniſters and ſons of corruption, the ambitious, the profligate, and the intriguing, being raiſed by a Babel of crimes above controul and above law, authoriſed cruelty will aſſume the place of juſtice, and the ſilence of the people be the ſad indications of the throbbings of their hearts. Theſe are the tokens and prelude of fearful times.

Conſidering truth as the firſt great means of promoting the good of my country, and of averting thoſe mighty miſchiefs which I have but lightly ſketched, holding it up as the conſtitutional law of nature, I have made it the ſtandard rule of my conduct. To ſuffer for this, I ſhall feel no degree of ſhame, and no degree of reluctance; and although my caſe needs no additions to make it hard and painful in the extreme, yet I truſt I can bring my mind to bear with philoſophy more and greater ſtings of misfortune; nevertheleſs I do not court them; long-ſuffering hath rid me of that enthuſiaſm, that high fever of the mind which always hurries a man to ſacrifice himſelf, for thoſe who, too often, forget not only his ſufferings, but even the cauſe for which he ſuffers.

I wiſh to avoid troubles; but if they muſt come, they ſhall find a heart early tutored, and capable of receiving them unſhaken and confident. Remember, Gentlemen, when I ſuffer, you ſuffer alſo in the precedent; and that if I fall for having avowed the wholeſome notions of our forefathers, and for having held up their inſtitutions for imitation, you yourſelves may be the next victims; you open the door to unremitting proſecutions, and block up for ever the paſſage of reaſon into the world. Remember the language of him whoſe name* ſtill remains in obſcurity, but the celebrity of whoſe reputation will deſcend to future ages.

"Let it be impreſſed upon your minds, let it be inſtilled into your children, that the liberty of the preſs is the *palladium* of all the civil, political, and religious rights of an Engliſhman.

"The power of King, Lords, and Commons, is not an arbitrary power. They are the truſtees, not the owners of the eſtate. The fee ſimple is in us. They cannot alienate, they cannot waſte. When we ſay that the legiſlature is *ſupreme*, we mean that it is the higheſt power known to the conſtitution; that it is the higheſt in compariſon with the other ſubordinate powers eſtabliſhed by the laws. In this ſenſe the word *ſupreme* is relative, not abſolute. The power of the legiſlature is limited, not only by the general rules of natural juſtice, and the welfare of the community, but by the forms and principles of our particular conſtitution. If this doctrine be not true, we muſt admit, that King, Lords, and Commons, have no rule to direct their reſolutions, but merely their own will and pleaſure. They might unite the legiſlative and executive power in the ſame hands, and diſſolve the conſtitution by an act of Parliament. But I am perſuaded you will not leave it to the choice of 700 perſons, notoriouſly corrupted by the Crown, whether ſeven millions of their equals ſhall be freemen or ſlaves. The certainty of forfeiting their own rights, when they ſacrifice thoſe of the nation, is no check to a brutal and degenerate mind. Without inſiſting upon the extravagant conceſſion made to Harry the VIII. there are inſtances in the hiſtory of other countries of a formal, deliberate ſurrender of the public liberty into the hands of the Sovereign. If England does not ſhare the ſame fate, it is becauſe we have better reſources than in the virtue of either Houſe of Parliament.

"I ſaid, that the liberty of the preſs is the *palladium* of all your rights, and that the right of the juries to retain a

* Junius.

general verdict is part of your conſtitution, To preſerve the whole ſyſtem, you muſt correct your legiſlature. With regard to any influence of the conſtituent over the conduct of the repreſentative, there is little difference between a ſeat in Parliament for ſeven years, and a ſeat for life. The proſpect of your reſentment is too remote; and although the laſt ſeſſion of a ſeptennial Parliament be univerſally employed in courting the favour of the people, conſider that at this rate your repreſentatives have ſix years for offence, and but one for atonement. A death-bed repentance ſeldom reaches to reſtitution. If you reflect, that in the changes of adminiſtration, which have marked and diſgraced the preſent reign, although your warmeſt patriots have in their turn been inveſted with the lawful and unlawful authority of the Crown, and though other reliefs or improvements have been held forth to the people, yet that no one man in office has ever promoted or encouraged a bill for ſhortening the duration of Parliament, but that (whoever was miniſter) the oppoſition to this meaſure, ever ſince the ſeptennial act paſſed, has been conſtant and uniform on the part of Government. You cannot but conclude, without the poſſibility of a doubt, that long Parliaments are the foundation of the undue influence of the Crown. This influence anſwers every purpoſe of arbitrary power to the Crown, with an expence and oppreſſion to the public, which would be unneceſſary in an arbitrary government. The beſt of our miniſters find it the beſt and moſt compendious mode of conducting the King's affairs; and all miniſters have a general intereſt in adhering to a ſyſtem, which of itſelf is ſufficient to ſupport them in office, without any aſſiſtance from perſonal virtue, popularity, labour, abilities, or experience. It promiſes every gratification to avarice and ambition, and ſecures impunity.—Theſe are truths unqueſtionable. If they make no impreſſion, it is becauſe they are too vulgar and notorious. But the inattention or indifference of the nation has continued too long.

" Good men, to whom alone I addreſs myſelf, appear to me to conſult their piety as little as their judgment and experience, when they admit the great and eſſential advantages accruing to ſociety from the freedom of the preſs, yet indulge themſelves in peeviſh or paſſionate exclamations againſt the *abuſes* of it. Betraying an unreaſonable expectation of benefits, pure and entire, from any human inſtitution, they in effect arraign the goodneſs of Providence, and confeſs that they are diſſatisfied with the common lot of humanity. In the preſent inſtance, they really create to their own minds, or greatly exaggerate, the evil they complain of.

"With regard to ſtrictures upon the characters of men in office, and the meaſures of Government, the caſe is little different. A conſiderable latitude muſt be allowed in the diſcuſſion of public affairs, or the liberty of the preſs will be of no benefit to ſociety: as the indulgence of private malice, or perſonal ſlander, ſhould be checked and reſiſted by every legal means, ſo a conſtant examination into the characters and conduct of miniſters and magiſtrates, ſhould be equally promoted and encouraged. They who conceive that our newſpapers are no reſtraint upon bad men, or impediment to the execution of bad meaſures, know nothing of this country. *In that abandoned ſtate of ſervility and proſtitution, to which the unaue influence of the Crown has reduced the other branches of the legiſlature*, our miniſters and magiſtrates have in reality little puniſhment to fear, and few difficulties to contend with, beyond the cenſure of the preſs, and the ſpirit of reſiſtance, which it excites among the people."

Theſe venerable ſentiments ſhould never be effaced from your minds; for, if the liberty of the preſs be invaded in one inſtance, it will be ſo in another—one precedent will beget more precedents, till a deſtructive ſyſtem will be eſtabliſhed, which ſhall ſweep away the liberties and the laws of the land. To be convicted on ſuch grounds, no man can regret, becauſe he knows that in his fall he brings down with him the cauſe of juſtice, liberty, and humanity.

I am now about to introduce my witneſſes, and, I truſt, you will retain in your memories the evidence adduced on the part of the proſecution. I have great confidence in the candour of Mr. Law, and I am perſuaded that he himſelf will be ſatisfied of the chain of connected and honeſt evidence on my behalf; he is a man of honour, and will, therefore, be governed by no other rule but that of right.

Gentlemen, Although I have mentioned my long proſcription, I conceive it neceſſary to obſerve, that it ought not to operate on your minds, as a part of my defence: for being tried upon a ſpecific charge, and you, upon your oaths, being bound to bring in your verdict according to the evidence, this will become a ſubject of future conſideration. I am not aſking you for mercy.—I demand only juſtice.—Juſtice, it is true, ought to be adminiſtered in charity; but I aſk it not to be adminiſtered to me in mercy. The whole of theſe proceedings I deem to be perfectly anomalous. I have drank long and deeply of the cup of affliction. It is hard indeed to be compelled to drink the very dregs—my profeſſional proſpects, in this country are, I underſtand, at an end—hope itſelf is defeated—that which the government

did not think it proper to do, do you perform—ſnatch, with a vigorous hand, this bitter cup from my lip, and reſtore me to the comforts of ſociety and the boſom of an afflicted family; but if you think that conviction will be a means of preſerving the ſafety of the country, and if, in conſequence, you are reſolved to ſurrender me to the vengeance of the law, I would have you underſtand that I will never ſhrink from principles which I know are founded upon the baſis of truth and reaſon, and which, I am confident, will one day prevail univerſally amongſt us. For, it is evident, that thoſe paſſions and prejudices, which have been long ſapping all public ſpirit, are now diſpelling. The neceſſity of national reformation is becoming daily more generally acknowledged: When that happy moment ſhall arrive, I truſt harmony will be reſtored to my country. Till then there is no ſhame in ſuffering: and if thus inſulated from ſociety and forſaken by all, I am aſked what are the means I have to ſupport me againſt ſo many enemies, I will anſwer in the firm language of Medea to her confidant, enumerating all her diſtreſſes, and recommending to her ſubmiſſion; "Myſelf! I ſay;—and that is enough."

Gentlemen of the Jury, I will now conclude. The political hemiſphere is extremely portentous, and the elements around us ſeem ſurcharged and pregnant with great events—the moſt ancient thrones are now trembling beneath their poſſeſſors, and we know not that what we call ſtable to-day will be ſtable to-morrow—a general wreck of the Gothic policy is taking place, and all the old and venerated governments of the world are paſſing gradually away. The lamp of ſcience hath produced a new light, whether it be for the amelioration of the ſocial order, or whether it be likely to introduce a ſweeping deſolation, it is not for me to judge—I can only venture to declare, that to me, the proſpect is cheerful and conſoling—to the prejudiced, to the intereſted, and to the corrupt, this illumination of the human mind may indeed be a ſource of alarm; but to rulers it ſhould conſtitute an object of exultation and glory; for it will be in vain to ſtop the rapid career of freedom when knowledge is its precurſor, the nerves of oppoſition muſt be ſmote and withered, and although the prejudiced and the confident may view the ſtorm at a long diſtance, like the cloud of Elijah, of the ſize of a man's hand, it may increaſe and become fearfully dreadful and big with trouble, and with danger obtruding a ſanguinary ſcene upon the reluctant eye, blackening with diſmal augury our future proſpects, and chilling with the damp of death every feſtive feeling. Anticipate then the horrors

of an univerſal ſubverſion by a timely reform, and let the ſenſe of that knowledge which hath meandered into the ſolitary hamlet, and which hath provoked ſuch a general inquiry on government and morals, as was never before known, be a ſeaſonable warning to lay aſide injuſtice, and encourage the propagation of uſeful truths. Mankind have rights undoubtedly, and if they are denied the juſt exerciſe of them they will be claimed, not in the humble tone of ſuppliants, but in the haughty tone of dictators. The conſtitution of this country, in my opinion, guarantees thoſe rights, and if it were adminiſtered, as I think it ought to be, I do believe, from the nation having reached ſo high a pitch of civilization, and having, within its bowels, the means of proſperity, it would be the freeſt and the happieſt nation of the earth. The great and mighty change of ſentiment which is electrifying Europe, hath not paſſed over this country. Already the minds of the people of England are veering towards the polar ſtar of truth, and the general voice of the people is already reprobating the deſtructive effects of this war. Already they acknowledge the neceſſity of a reformed repreſentation as the only means of ſaving us from ruin. At ſuch an epoch, when old ſyſtems are received with great caution, and when thrones are vibrating on the precipice of deſtruction, it doth not beſpeak wiſdom in government to cry down and puniſh the efforts of the well intentioned. It is a meaſure hoſtile to its own ſecurity; but if I muſt yet be doomed to languiſh out the moſt precious moments of my life in a priſon, fatal as it muſt be to my intereſt, blaſting every where my hopes, and ſinking me down completely into ruin, my mind ſhall be equal to the taſk—it ſhall bear with calmneſs and ſerenity the worſt of ills, in ſupport of a cauſe whoſe baſis is truth, and whoſe object is the liberty of my country.

EVIDENCE FOR THE DEFENDANT.

William Clarke ſworn. Examined by *Mr. Hotham.*

Q. Was you a member of the Conſtitutional Society?
A. I was.
Q. In the year 1794?
A. I was.
Q. Was you a member of the Committee?
A. I was.
Q. Do you remember the agreement for the meeting at the Caſtle Hill?
A. Certainly.
Q. When was it made?
A. You know the date—the ſecond of April—it might be a day before or a day after.
Q. Was you in the committee when it was propoſed and agreed upon?
A. I was.
Q. Was Mr. Yorke there when it was agreed upon?
A. Certainly not.
Q. Was the matter debated at that time in the commitee, or not?
A. It was.
Q. Do you happen to know where Mr. Yorke was at that time?
A. I believe he was certainly at Newhill at Mr. Paine's.
Q. How far is that off?
A. About twelve miles from Sheffield.
Q. But you are certain, you ſay, he was not in the committee at the time when the queſtion was agitated and the propoſal agreed upon?
A. I am certain he was not, and that the committee underſtood that he was not in the town, but at Mr. Paine's.
Q. Did you happen to hear the ſpeech upon the Caſtle Hill?
A. I did.
Q. You have read one of theſe printed books?
A. Yes; I have.

Q. The ſpeech contained in the printed book—was that the ſpeech ſpoken by Mr. Yorke, or not?

A. Certainly not.

Q. How far was you from Mr. Yorke at the time that he ſpoke it?

A. About ſix or ſeven yards.

Q. I find a ſentence in that ſpeech, in the printed book that—"the day is at length arrived, when fanaticiſm and "ſuperſtition, deprived of their tinſel trappings, and expoſed, "in their native uglineſs, to the view of mankind, ſlink "ſcowling back to the cave of obſcurity."—Was that ſentence made uſe of by Mr. Yorke?

A. Certainly I ſhall never declare that it was; but as far as I can poſſibly recollect, as a man that regards the oath put to him, it was not.

Q. Was the expreſſion "ſlink ſcowling back to the cave "of obſcurity" mentioned by Mr. Yorke?

A. I believe it was not.

Q. Should you have recollected ſuch an expreſſion if it had been made uſe of by Mr. Yorke?

A. Moſt probably I ſhould.

Q. In another part of that ſpeech, it is ſtated in the book, "When ſuch a revolution of ſentiment ſhall have diſperſed "the miſts of prejudice, when by the inceſſant thunderings "from the preſs the meaneſt cottager of our country ſhall be "enlightened, and the ſun of reaſon ſhall ſhine in its fulleſt "meridian over us, then the commanding voice of the whole "people ſhall recommend the 558 Gentlemen in St. Ste-"phen's Chapel to go about their buſineſs."—Was that ſentence made uſe as it ſtands here?

A. I believe not; and for this reaſon, that when Mr. Yorke came to the chair, which was deſired by the people, he began with ſaying he ſhould be particularly guarded—that he ſhould broach or ſet forth no new doctrine—that he would take care that ſpies and informers ſhould take no advantage here.——Says he, "I hold up in my hand a volume of Mr. Locke."—Another reaſon was, as he had had very little opportunity, being called unacquainted with the ſubject; he ſaid, what he did ſay ſhould be particularly guarded; and he poſitively ſaid, in one of the committee meetings, when requeſted to take the chair, that he ſhould confine himſelf to the advertiſement that we had put out previous to his coming among us.

Q. Do you know any thing whether he was deſirous to have this meeting called, or had he an objection to it.

A. I know that he had an objection to it, becauſe he had had no notice of it.

Q. You heard the ſpeech Mr. Yorke made upon the Caſtle Hill?

A. Yes.

Q. What was the general tendency of that ſpeech—was it to inculcate peace and good order, or inflame the minds of the people?

A. I do not remember much of the particular paſſages or words, to ſpeak them preciſely.

Q. I aſk you a general queſtion, was it a ſpeech calculated to eſtabliſh peace and good order, or to excite commotion?

A. Perfectly; I think Mr. Yorke a man that would hold out doctrines that would promote peace and good order; and, in my opinion, that was particularly calculated to promote peace and good order.

Q. Have you known Mr. Yorke ſome time?

A. Yes.

Q. From what you have known of him, do you conceive him a perſon likely to raiſe commotions, or to preſerve the peace?

A. Very different from raiſing commotions.

Q. You was a committe-man; do you remember any thing of a motion for a petition to Parliament for a reform?

A. I do.

Q. Now, was, or was not, a motion to be brought forward for the purpoſe of being rejected?

A. I contradicted it in *toto*.

Q. What did paſs in the committee, with reſpect to that motion?

A. I ſay that the diſcuſſion of that buſineſs was to this effect, that as we had petitioned the Houſe of Commons, and they had rejected the petition we had ſent—that there were many and ſtrong arguments againſt a petition to the Houſe of Commons; but, upon the whole, it was contended that a petition ſhould be attempted.

Q. Was Mr. Yorke there at the time when this diſcuſſion took place in the committee?

A. He was not.

Q. We have heard a great deal of arms—have you heard any thing about arming from Mr. Yorke?

A. I never heard any thing about arming.

William Clarke croſs-examined by *Mr. Law.*

Q. As all your committee were ſo hot for a petition, how came it that nobody ſeconded poor Broomhead, but left him in the lurch?

A. That I have nothing to do with.

Q. What are you?

A. A cutler.

Q. Do not you exhort a little now and then?

A. No.

Q. Had you any pulpit buſineſs?

A. I tell you that I have not.

Q. That ſpeech, you ſay, differs eſſentially from the ſpeech that was uttered?

A. Yes.

Q. You ſay the ſpeech uttered was applicable to the purpoſes of peace and good order?

A. Yes.

Q. Is that ſpeech that has been printed ſo?

A. I think not.

Q. Now, how came you then, after you knew that ſuch a ſpurious thing as you repreſent had been publiſhed, not to let Mr. Yorke know of it that he might call them in?

A. Becauſe I thought he was a better judge of his own buſineſs.

Q. Did not you all look upon Mr. Gales, who printed it, as a bad man afterwards?

A. I do not know that he publiſhed it.

Q. Would you have me believe that you do not know that?

A. I would.

Q. Where did you get your own copy of it, if you had one?

A. I bought it at Mr. Gales's ſhop.

Q. Was Mr. Gales preſent at this meeting?

A. Yes.

Q. Did not any body think of reproaching Mr. Gales for ſelling, in his ſhop, a thing that was a ſcandalous account of his friend's ſpeech?

A. I do not know that any body did.

Q. You did not reprove him for it?

A. No.

Q. And you never made any complaint about it?

A. No.

Q. Don't you think he was a groſs libeller in putting out ſuch a thing?—Go along, man, it is impoſſible to believe a word you ſay.

George Kent ſworn. Examined by *Mr. Hatham.*

Q. You was a committee-man of the Conſtitutional Society in the year 1794?

A. Yes.

Q. Do you remember any thing of the propoſal for the meeting on the Caſtle Hill?

A. Yes.

Q. When was that?

A. On Wedneſday, the 2d of April, 1794.

Q. Where was it propoſed?

A. In the Committee room.

Q. Was the matter agitated there, or propoſed and adopted immediatly?

A. There was a good deal of diſcuſſion took place upon the motion.

Q. Was Mr. Yorke there at that time?

A. No, he was not.

Q. Do you happen to know where he was at that time?

A. Yes; I believe he was at Newhill, at Mr. Paine's.

Q. When did the advertiſement come out?

A. It came out on Friday, in Mr. Gales's paper.

Q. You attended conſtantly a committee—did you?

A. Yes; I was preſent Wedneſday night, Thurſday night, and Friday night.

Q. Was he ever in the committee room berore that advertiſment appeared?

A. No, he was not there either on the ſecond or on the third.

Q. Was you preſent when Mr. Yorke was acquainted with the meeting being fixed for the 7th of April?

A. Yes.

Q. Did he approve of the meeting being called, or not?

A. No, he did not.

Q. Now, we have heard a great deal of Daviſon—was he a committee-man?

A. No, not at the time that I was; nor I never heard that he ever was.

Q. Was he in the regular habit of attending the meetings of that ſociety?

A. I never heard that he was—to my own knowledge I never ſaw him in any meeting, public or private.

Q. Did you uſe conſtantly to attend the meetings of the ſociety?

A. No; I did not attend the committee meeting regularly; but, during Mr. Yorke's ſtay in Sheffield, I never omitted, I believe.

Q. Was you in the committee room at the time when the motion was agitated about the petition to Parliament for a reform?

A. I was.

Q. Was that motion propoſed for the purpoſe of being rejected?

A. No; it was ſimply propoſed and carried after a little diſcuſſion.

Q. In the committee room you mean to ſay?

A. Yes.

Q. Was Mr. Yorke there, or not?

A. No, he was not; theſe reſolutions paſſed on Thurſday night for a motion of that nature to be made at the public meeting.

Q. Was you at the Caſtle Hill on the 7th of April?

A. Yes.

Q. Do you know whether Mr. Yorke ſpoke by appointment, or how it happened that he came to ſpeak?

A. No, he did not ſpeak by appointment, it was quite an accidental thing.

Q. Tell us how it happened that he came to have the chair?

A. On the 7th of April, when the time commenced that was appointed for the meeting, Mr. Yorke came to the ſpot of ground, and a great many thouſands aſſembled at that time; and immediately when it was known that Mr. Yorke was without the ground, a great noiſe was directly made from all quarters—Mr. Yorke—Mr. Yorke in the chair! and the crowd made an opening for him, and he was preſſed forward.

Q. Did he ſeem to do it of his own will as a thing he wiſhed to do, or did he do it to oblige the people there?

A. It appeared to me that he condeſcended entirely to the wiſhes of the people.

Q. You have read a printed book of the proceedings?

A. I have very lately.

Q. Now, from the recollection that you have of the ſpeech of Mr. Yorke upon that day, is it the ſame?

A. It is not—it is materially altered.

Q. Did he or not make uſe of ſuch an expreſſion,—— "Slink ſcowling back to the cave of obſcurity."

A. No—if he had made uſe of ſuch an expreſſion I think it could not poſſibly have eſcaped me.

Q. What was the general tendency of that ſpeech of Mr Yorke—was it to excite commotions, or of a peaceable nature?

A. I believe the general tendency of that diſcourſe, which appeared to me at that time, was to conciliate the minds of contending parties, and to remove all that prejudice that had ſeized the minds of many perſons with regard to a reform in Parliament.

Q. Was there any thing made uſe of in that ſpeech that could induce you to believe that he intended any violence ſhould be made uſe of?

A. I believe there was none.

Q. Did you conceive that ſpeech, or any part of it, to be intended to traduce and vilify the Houſe of Commons or not?

A. I did not.

Q. You have known Mr. Yorke for ſome time, I believe?

A. Yes, I have known him ſeveral years; I have known him from the time he firſt made his viſit at Sheffield.

Q. Now, in all the converſations you have had with him, and the general tenor of his conduct, was he a man likely to raiſe commotion in the kingdom?

A. I cannot believe him capable of it; if he had, I am ſure I would not aſſociated with him.

George Kent croſs examined by *Mr. Wood.*

Q. What buſineſs are you?

A. A ſciſſar-manufacturer.

Q. How long have you been acquainted with Mr. Yorke?

A. Since March 1793.

Q. Did you often attend your meetings?

A. When he was in town.

Q. Where did he lodge when in town—with Mr. Gales the printer?

A. I don't know any thing at all about that, not from myown knowledge.

Q. Where did you generally ſee him?

A. At meetings.

Q. Methodiſt meetings?

A. No, I ſaw him ſeveral times at our private meetings.

Q. He was always ſilent at thoſe meetings?

A. No, he was not always ſilent; but he never interfered in our private buſineſs.

Q. Did he never get into the tribune?

A. I do not know what you mean by a tribune.

Q. Upon your oath you do not know what a tribune is?

A. You may call it what you please.

Q. I will call it a pulpit—what do you call it yourself?

A. Chair or eminence. At the public meeting he was always advanced upon something that was above the people.

Q. Now, you say he was not at the committee meeting upon the 2d of April?

A. No.

Q. I hope Broomhead was there?

A. Yes; I think he was.

Q. Do you think he knew what passed at that meeting?

A. Yes; I think he does.

Q. Perhaps he was your Secretary—was not he?

A. Yes.

Q. And perhaps he drew up your resolutions?

A. No, I do not believe he did.

Q. Did you draw them up?

A. No; nor I did not see the hand that drew them up.

Q. But did not you know that they were signed with the hand of William Broomhead, Secretary?

A. Yes.

Q. You meant to have your meeting on the 7th of April, without any application to Mr. Yorke to attend it.

A. No, we sent to Mr. Yorke—he was 12 miles off.

Q. And then you sent to inform him of the resolution—Was this the resolution—"Resolved, that Citizen Henry "Yorke be requested to draw up the petition to the King, "for the total and unqualified abolition of Negro Slavery, "and that he be requested to attend to support the measure." You sent for him?

A. Yes, to attend the meeting.

Q. And he told you he would attend the meeting—Did not he?

A. He did make a conditional promise.

Q. Did you send him a copy of your resolution?

A. Not that I know of.

Q. When he came you told him what you had resolved on?

A. Yes.

Q. That you had resolved to petition the House of Commons?

A. Yes.

Q. Then how happens it that you did not?

A. We told him we had paſſed a motion for that purpoſe.

Q. When did you tell him that?

A. On the Friday night.

Q. Before the meeting upon the Caſtle Hill?

A. Yes.

Q. You told him then that you meant to petition the Houſe of Commons?

A. Yes.

Q. And did he approve of it?

A. He did not object to it, becauſe he did not interfere in our buſineſs.

Q. I ſuppoſe you had a petition prepared?

A. We had a motion.

Q. But had you a petition?

A. I don't think we had; I believe we had not; there was a motion made at the public meeting for their approbation.

Q. But you had not prepared their petition?

A. No, there was not time for it.

Q. You had your petition to the King ready?

A. Yes.

Q. Did Citizen Yorke draw up that petition?

A. I don't know.

Q. You had no petition to the Houſe of Commons?

A. No, it was left for the ſenſe of the people.

Q. And it was put and no body ſeconded it?

A. I don't know that any body did.

Q. You did not hear that it was made for the purpoſe of being negatived?

A. I never heard any thing of that.

Q. You was not in that ſecret?

A. No.

Q. Was you in the Committee when you packed up the box of ſpeeches and ſent them to London?

A. No, my time at that time was juſt expiring; I did not know any thing about it; my time was juſt out.

Q. You was very angry with Mr. Gales for printing ſo falſe an account of it?

A. I had never ſeen a printed account till I received my ſubpœna.

Q. And you was upon the Committee?

A. Yes.

Q. You mean to ſay you never ſaw this printed account till you was ſubpœned upon the trial?

A. Yes.

Mr. Hotham. Did you ever hear Mr. Yorke at any time talk about arms?

A. I never did.

Q. Do you know the reaſon of Mr. Yorke's coming firſt to Sheffield?

A. Yes, by requeſt.

Q. By requeſt from whom?

A. From the Society.

Q. To whom did you make the application?

A. To the ſociety at Derby.

Q. What ſociety is that?

A. A ſociety for Conſtitutional Knowledge.

Q. Is that ſociety in exiſtence now, or broke up?

A. I cannot tell.

Q. I believe from the time of Mr. Yorke's firſt coming to the ſecond, a good deal of time elapſed—how happened it that he came a ſecond time?

A. I really don't recollect.

Q. Then I believe he came a third time—do you happen to know that?

A. I conceive, as I was informed, by a formal requeſt from all the friends of reform at Sheffield.

Q. Who was you informed by?

A. Many of the friends.

Q. You was a member of the committee?

A. I was.

Q. Did the committee come to any reſolution to ſend for Mr Yorke the laſt time that he came?

A. I do not know, that was the 4th of April 1794 we ſent to him, and put him in a ſtate of requiſition.

William Clarke called in again.

Mr. Yorke. When you were a member of the committee do you remember a propoſal of the committee to ſend for me from Lancaſhire?

A. Yes.

Q. Do you remember any of your committee writing to me to that effect?

A. I believe Mr. Gales wrote for you; he was ordered by the committee ſo to do.

Mr. Yorke. Was Gales a member of the committee at that time?

A. Yes.

Q. And he generally wrote the letters for you?

A. Yes.

Mr. Hotham. Are you acquainted with Mr. Gales's handwriting?

A. I believe I am.

Q. Look at that letter, and tell me, if that is his handwriting?

A. I believe it is.

Mr. Law. *I object to the letter being read.*

Mr. Yorke. By the very ſame reaſon that you read the letter from Daviſon, I am authoriſed to have this read.

Mr. Law. It has never been proved to have been received.

Mr. Yorke. Nor was Daviſon's proved to have been received.

The Court affirmed the objection,

Edward Oakes ſworn.—Examined by *Mr. Hotham.*

Q. Was you a member of the committee of the Conſtitutional Society of Sheffield?

A. I was.

Q. Do you remember any propoſal taking place reſpecting the meeting of the 7th of April in the committee?

A. I recollect very well a propoſal made in the committee for the meeting on the Caſtle Hill.

Q. Was any queſtion made about it in the committee?

A. Yes.

Q. When was that?

A. Three or four days previous to the Caſtle Hill meeting.

Q. Do you happen to recollect what day of the month it was?

A. I think it was about the ſecond.

Q. Was Mr. Yorke in the committee-room at that time?

A. He was not.

Q. Do you know where he was at that time?

A. I believe he was out of the town.

Q. Was you in the committee-room afterwards, when the motion was made for the petition to the Houſe of Commons for a reform?

A. I believe I was.

Q. Was that motion or not to be made for the purpoſe of having it rejected or not?

A. I believe not.

Q. Was Mr. Yorke at the meeting of the committee when the agreement took place to make that motion?

A. I believe not.

Q. Was he preſent upon the Caſtle Hill upon the 7th of April?

A. He was.

Q. Did you happen to have any converſation with Mr. Yorke before you went there that day?

A. I was in Mr. Yorke's company at Mr. Gales's previous———

Mr. Law. That is not evidence.

Mr. Hotham. Have you read the account of the ſpeech in the printed books?

A. I have not read the whole of it, but I have heard a great part of it read.

Q. Which part of it was that?

A. I have read different parts of it at different times, ſo that I cannot particularize any one part of it at preſent, but I have heard read within a few weeks ago the greateſt part of it.

Q. Did you conceive that part of it which you did hear read to have been ſpoken by Mr. Yorke?

A. That part that I read I believe to be totally diſſimilar to what Mr. Yorke delivered upon the Caſtle Hill.

Q. Do you recollect if any ſuch expreſſions were made uſe of in the ſpeech of Mr. Yorke—"Slink ſcowling back "into the cave of obſcurity;"—if ſuch expreſſions were made uſe of, ſhould you not have recollected them?

A. They are ſo ſtrong that I believe I could not have miſſed recollecting them.

Q. What was the general tendency of the ſpeech which Mr. Yorke made?

A. The general tendency of Mr. Yorke's ſpeech at that time which I conceive of it, was peace and good order.

Q. In that ſpeech which Mr. Yorke made upon that occaſion, was there any thing that conveyed to your mind any idea of his wiſhing that violence ſhould be made uſe of?

A. Not at all.

Q. At that meeting, was there not a word ſaid by Mr. Yorke relative to the peoples' arming at that meeting on the Caſtle Hill?

A. I do not recollect any ſuch expreſſion, and I believe no ſuch expreſſion was ever made uſe of; for Mr. Yorke, I believe, never was more collected, and ſpoke never more upon his guard than he did at that meeting.

Edward Oakes croſs-examined by *Mr. Topping*.

Q. What buſineſs do you follow?

A. I am in the plated line.

Q. Was you a member of the committee ſome time?

A. I was.

Q. Was you a member of the committee at the time when they approved of Paine's Rights of Man?

A. I was not.

Q. You ſwear that you was not a member of the committee at the time a reſolution of approbation of Paine's Rights of Man paſſed?

A. I was propoſed, but did not attend as a member of that committee.

Q. You did underſtand that the committee had come to ſuch a reſolution?

A. They had come to ſuch a reſolution of appproving of Paine's Rights of Man previous to their being proved a libel.

Q. Then I take it for granted they reſcinded them immediately upon their being ſo proved?

A. Upon my word, I do not know what you mean by the expreſſion.

Q. Were they expunged from the books of the ſociety; I take it for granted that, you finding out that they were judged to be a libel, propoſed their being expunged?

A. I never did.

Q. Nor any body elſe, I believe. You did ſee Mr. Yorke at Mr. Gales's juſt before the meeting at the Caſtle Hill?

A. Yes, I did.

Q. Who was along with him there?

A. He was dining at Mr. Gales's; Mr. Gales was preſent, and a Mr. Warwick was preſent; and Mr. Camage came into the room.

Q. Were you at the meeting previous to the meeting at the Caſtle Hill—you was preſent at Mr. Gales's when Gales, Mr. Yorke, and Mr. Camage were together?

A. Yes.

Q. It was propoſed, and agreed to at this meeting upon the 2d of April, that there ſhould be a petition for a reform of Parliament?

A. It was agitated, but not finally ſettled, that there ſhould be a petition to the Houſe of Commons.

Q. You told that gentleman it certainly was not agreed to be rejected?

A. There was not a final deciſion about it.

Q. Was the deciſion that it ſhould not be ſeconded?

A. No, there was no new deciſion at all about it, becauſe I believe no body ſtepped forward to ſecond it.

Q. Do you recollect every perſon preſent in the committee?

A. No.

Q. You will then take upon you to ſwear that Mr. Yorke was not there himſelf?

A. I poſitively believe that Mr. Yorke was not there.

Q. Will you poſitively ſwear that he was not?

A. I believe he was not.

Q. Have you recollection enough to ſwear poſitively that he was not—you cannot recollect all that were preſent—upon your oath Mr. Yorke was not there at that time?

A. I can ſay no further than I believe he was not.

Q. You heard the greateſt part of this book read, how ſoon might you hear it read after it was publiſhed?

A. I did not hear it read immediately after; I had not heard it read the greateſt part of it till within theſe few days.

Q. Was you much pleaſed with the ſpeech you heard at the Caſtle Hill?

A. Yes.

Q. Was you anxious to ſee the account of it as ſoon as publiſhed?

A. Certainly.

Q. Then when it was publiſhed by Mr. Gales, your curioſity excited you to ſee it?

A. As ſoon as I knew that it was publiſhed.

Q. Then, immediately upon its coming out, your curioſity excited you to know if it was the ſame ſpeech?

A. Yes, and I found it totally diſſimilar.

Q. Did not you ſpeak to Mr. Gales about it?

A. No.

Q. Do not you know Mr. Gales was the publiſher of it?

A. I do not know it.

Q. I aſk you upon your oath, if he was not the man to your knowledge that publiſhed it?

A. I can, with the greateſt ſafety, ſwear that I did not know it.

Q. Did you not buy one at Mr. Gales's?

A. No, I did not.

Q. Where did you get that which you had?

A. I can poſitively ſay I had not it there, and I believe my father-in-law brought it to my houſe.

Q. At that time did he not tell you he had it from Mr. Gales?

A. No, he did not.

Q. Is he here?

A. No.

Q. Perhaps you have ſeen a copy of the manuſcript?

A. No, I have not.

Q. You can perhaps tell us the parts in which it agreed with Mr. Yorke's ſpeech?

A. I have already ſaid it bore no ſort of reſemblance; for the ſpeech upon the Caſtle Hill was a ſpeech which tended to peace and good order.

Q. Then the printed one is not ſo.

A. Some part of it is much ſtronger than Mr. Yorke's expreſſions.

Q. Did Mr. Yorke, in his ſpeech upon the Caſtle Hill, ſay any thing about the 558 gentlemen in St. Stephen's chapel, and their being ſent about their buſineſs?

A. I believe Mr Yorke made mention of the 558 gentlemen in St. Stephen's chapel.

Q. Being ſent about their buſineſs—was that mentioned?

A. I believe it was.

Q. Then ſo far it is not totally diſſimilar.—Do you remember any thing of combuſtible ingredients—that muſt alarm you a little?

A. No.

Q. Or political exploſion?

A. I will not ſwear it. I believe he did not make uſe of ſuch an expreſſion.

Q. Will you ſwear he did not?

A. To the beſt of my recollection I believe he did not.

Q. Did he uſe any ſuch expreſſion as grand political exploſion?

A. To the beſt of my recollection I do not believe that he did.

Q. Any thing about burying deſpotiſm—that you do not recollect?

A. No.

Q. Any thing about the grandeur and dignity of freedom?

A. No; I do not recollect that.

Q. But you will not take upon yourſelf to ſwear that no ſuch words did paſs?

A. No, I will not.

Q. Now, this motion that was made, that was not decided whether it ſhould be carried or not, when it was made it fell to the ground, nobody ſeconded it?

A. I do not remember that any body did.

Q. And you are a great friend to reform in Parliament and petitioning?

A. Yes, and I hope I ever ſhall be.

Q. Then how came you neither to ſecond it nor get any any body elſe to ſecond it, nor get it put in the ſhape of being put to the meeting?

A. Becauſe I did not feel myſelf free to do it at that meeting.

Q. I aſk you if your reaſon for not being free to do it was not becauſe you had been at the committee meeting previous?

A. Do you mean the Caſtle Hill meeting.

Q. You ſaid you did not conſider yourſelf free to vote for that motion upon the Caſtle Hill. Now, I aſk, if the reaſon of your not being free to vote for that was not, that, at the previous meeting, it was reſolved not to be ſeconded?

A. I do not recollect any ſuch thing, nor I do not believe it was.

Q. Now I aſk you, in ſo many words, whether you have never ſworn that it was reſolved at that committee meeting, previous to the meeting of the 7th of April, that this motion ſhould not be reſolved, or to that effect?

A. I am ſure I do not recollect it.

Q. Have you not ſworn that it was reſolved at that committee meeting, not to petition the Commons Houſe of Parliament again?

A. I do not recollect whether I have ſworn it.

Q. Then if you have ſo ſworn it, it is all falſehood?

A. I do not recollect it.

Q. But if you have ſo ſworn is it true or falſe—You can eaſily anſwer that if you will—'tis a very plain queſtion?

Mr. Topping. Your ſilence may be better than your anſwer, and may ſave you, and therefore you may go along about your buſineſs.

Mr. Yorke. It is inhuman to treat a ſick man in that manner; I requeſted he might have a chair, but it has not been brought, though ordered by his Lordſhip.

Edward Smith ſworn. Examined by *Mr. Hotham.*

Q. Was you in the committee on the 2d of April, 1794?

A. Yes, I was.

Q. Do you recollect a propoſal made for calling the meeting of the 7th of April?

A. Yes, very well.

Q. It was made in the committee room?

A. Yes.

Q. Was the matter much agitated there?

A. Yes; but it was ſettled—it was agreed to adverti ſe to call the meeting.

Q. Was Mr. Yorke there at the time it was agreed?

A. No.

Q. Where was Mr. Yorke at that time?

A. Out of town we underſtood.

Q. Do you recollect when Mr. Yorke was informed of it?

A. It was agreed to ſend for Mr Yorke.

Q. When did you ſee Mr. Yorke afterwards?

A. I think it was upon the Friday.

Q. When you ſaw him, did he, or not, approve of what the committee had done?

A. Not altogether; they propoſed for him, before he came, to take the chair, which he refuſed; when he came he ſaid he was unprepared, he had rather take ſomebody elſe of the town; that he was not an inhabitant of the town, and ſo on.

Q. Was you in the committee when a motion for petitioning the Houſe of Commons for a reform was made?

A. It was agitated in the committee.

Q. Was any agreement made that a motion ſhould be made for the purpoſe of being rejected?

A. No.

Q. Was Mr. Yorke preſent when that motion was made for it?

A. No.

Q. Was you on the 7th of April on the Caſtle Hill?

A. Yes.

Q. How far was you from Mr. Yorke?

A. Five or ſix yards.

Q. Have you read this ſpeech, ſuppoſed to have been ſpoken by him, in the printed book?

A. I did read it at leiſure time, ſome time after it was printed.

Q. Does that contain the ſubſtance of what Mr. Yorke ſpoke or not?

A. No; it does not.

Q. Did Mr. Yorke, or not, make uſe of this expreſſion; ſlink ſcowling back into the cave of obſcurity?

A. No.

Q. Then you ſay the printed book does not contain the ſubſtance of what Mr. Yorke ſaid, nor did you hear "ſlink "ſcowling back into the cave of obſcurity," made uſe of?

A. No, I did not.

Q. If ſuch an expreſſion was made uſe of, ſhould not you have recollected it?

A. Moſt certainly I ſhould.

Q. What was the general tendency of the ſpeech Mr. Yorke made?

A. He firſt addreſſed the people in this manner; he ſaid, there were people came out of curioſity, and ſome for ſpies, and ſo on; and therefore he would be upon his guard, and Locke ſhould be his guide chiefly.

Q. Was it to promote peace, violence, or what?

A. To promote peace and good order.

Q. Was there any thing in that ſpeech upon the Caſtle Hill that conveyed to you any inclination in the mind of Mr. Yorke to promote diſturbance?

A. None at all.

Q. Did you collect, from what he ſaid, that he meant to traduce the Houſe of Commons?

A. Nothing but a reform.

Edward Smith croſs-examined by *Mr. Law.*

Q. He began with Locke and ended with Locke?

A. He ſaid he ſhould make that his guide.

Q. You are a judge, I know, of what is orderly and good government; what has been done with that volume of Paine's Rights of Man you had at the Old Bailey?

A. I had not it there.

Q. But you ſaid you thought well of it?

A. I did not.

Q. You ſay you did not make uſe of the words "Thought well of it?"

A. Not altogether.—That was the word I ſaid.

Q. Do you mean to ſay that you put in a qualifying word?

A. You ſeem to want to take notice of what I ſay.

Q. Did you put in the word altogether when I ſaw you laſt?

A. I did.

Q. Do you recollect any thing about the 558 Gentlemen?

A. Yes.

Q. What was to be done with them?

A. When there was a revolution of ſentiment, when the people were enlightened, then theſe 558 Gentlemen might be ſent away, and put in freſh ones, more fair, into their place.

Q. Repeat it?

A. That when the people were enlightened they might go away and others put in their room, and that there ſhould be a reform in the repreſentation.

Q. It was a recommendation of that which was peaceful and orderly?

A. Yes.

Q. Whether orderly, or not ſo, orderly as Paine's book, or a little of that twang about it?

A. I don't underſtand you.

Q. Was it as orderly as Paine's book?

A. He thought we had a right to equal repreſentation.

Q. I aſk you what he ſaid?

A. I underſtood the plan juſt as I tell you.

Q. Was it as orderly a performance as Paine's book?

A. Paine's book and that may not altogether agree.

Q. In what does the principle differ—one reform, and the other revolution.—Is that it?

A. Yes.

Q. How long was this publiſhed before you ſaw it?

A. I dare ſay two or three months.

Q. You know of theſe being ſent to London in a box?

A. No, I do not.

Q. Was not you vaſtly ſhocked about ſcowling, and all that in it?

A. I was ſurpriſed.

Q. What did you ſay to Mr. Gales.—Did not you ſay he was the ſaddeſt rogue in the world to publiſh ſuch an account of Mr. Yorke's ſpeech?

A. I do not know much of Mr. Gales.

Q. Now, name that created being to whom you mentioned that it was diſſimilar?

A. Some of my ſhop-mates.

Q. Did you make any objection to any thing but the ſcowling and the cave of obſcurity.——"Now, I truſt, my "countrymen are ſick of religious and political impoſture, and "that their deciſive and manly conduct will command, in "an imperious tone, which will take no denial, not a meli-"oration of thoſe enormous abuſes which would be to com-"promiſe with injuſtice; but, I truſt, they will demand the "annihilation of corruptions and abuſes, and a reſtitution "of the original rights of human nature?"

A. That was not in.

Q. About an imperious tone that would take no denial?

A. I do not remember it.

Q. Combuſtibles—probably not?

A. Certainly not; I thought it a very peaceable ſpeech.

Q. Was he called by a voice to the chair?

A. Yes.

Q. A heavenly deſignation?

A. No; he was called to the chair——

Mr. Juſtice Rooke. Did you ſay, at Mr. Gales's ſhop, that there was ſome difference?

A. No, I only ſaid to my ſhop-mates that there was a difference.

Mr. Law. Where did you get your copy of that ſpeech?

A. I borrowed it of one Lodge.

Q. And you lent him the Rights of Man?

A. No.

Thomas Needham ſworn. Examined by *Mr. Hotham.*

Q. Was you preſent at the meeting upon the Caſtle Hill?

A. Yes.

Q. How far was you from Mr. Yorke?

A. About ten yards.

Q. Have you read that printed account?

A. Yes.

Q. Is that the ſubſtance of the ſpeech delivered by Mr. Yorke?

A. No, it is not.

Q. I ſee in that book an expreſſion of "ſlink ſcowling "back?"

A. I don't recollect Mr. Yorke making uſe of any ſuch expreſſion.

Q. Should you have recollected it if he had made uſe of it?

A. It is a very particular expreſſion, and I think it would have ſtruck my mind if he had made uſe of it.

Q. Do you recollect, at any time, Mr. Yorke's mentioning Paine's Rights of Man, or Paine's books, or any of his publications?

A. I never heard him recommend any books, in any meeting, but two.

Q. What were they?

A. One was Locke, the other was——I forget the author's name; but it was upon crimes and puniſhments.

Mr. Yorke. Was it Beccaria?

A. I believe it was.

Mr. Law. You read it in the original Italian, I take it for granted.

Mr. Hotham. Did you ever hear him expreſs any wiſh to change the conſtitution?

A. No, I only heard him wiſh for a reform in the Commons Houſe of Parliament; not to change the conſtitution in its original purity.

Q. Were arms ever mentioned by Mr. Yorke?

A. I never heard him mention arms in my life.

Q. Now, from what you have heard of the ſpeech on the Caſtle Hill, did you conceive it to be a ſpeech recommending peace, quietneſs, and good order, or one tending to ſet people by the ears, and embroiling the nation?

A. I believe it to be a ſpeech, the tenor of which recommended peace and good order.

Q. Was you acquainted, for any length of time, with Mr. Yorke?

A. No, the firſt time I ever heard him was in 1793.

Q. What was Mr. Yorke's general demeanor?

A. I never ſaw any thing in Mr. Yorke's general demenor but what tended to inſtruct mankind, and to recommend peace and good order.

Q. Was you at the Barrel at the time Mr. Yorke was there?

A. Yes.

Thomas Needham croſs-examined by *Mr. Wood.*

Q. You are not a committee-man?

A. No.

Q. You never attended their meetings?

A. No.

Q. He recommended peace and good order in the ſpeech?

A. Yes.

Q. What, you was to turn out the 558 Gentlemen peaceably and orderly?

A. No.

Q. Did he not ſay any thing about them?

A. Yes, I did hear him ſay ſomething about it.

Q. To ſend them about their buſineſs—Was it not.

A. I cannot recollect how he ſpoke it; but I know there was ſomething in it about St. Stephen's.

Q. You underſtand what that was, I ſuppoſe?

A. I underſtood that it was the place where the repreſentatives met.——Do you mean that branch of the government?

Q. Yes; that they were to be turned out of St. Stephen's Chapel?

A. I heard ſomething, but I cannot poſitively ſay what the ſentence was.

Q. Nor you did not know the meaning of it?

A. I did not underſtand him to mean to cut off the preſent goverement; I underſtood a reform in the repreſentation.

Q. Did not you want to get into St. Stephen's Chapel yourſelf, now?

A. No.

Q. What ſort of men would you put in the room of them—your own ſociety, I ſuppoſe?

A. No—no ſuch thing.

Q. Do you remember any thing about the ſovereign people—the people are the ſovereign—they have diſgraced themſelves by petitioning?

A. No, I do not recollect any thing of that kind.

Q. You cannot remember any thing?

A. Yes, I can; Mr. Gales read a petition to the king, reſpecting Mr. Muir and Mr. Palmer.

Q. Any thing about a revolution?

A. He ſhewed the dreadful conſequences of a revolution.

Q. Did not he ſay he was concerned in revolutions?

A. No.

Q. Which was the revolution he reprobated—1688, was it.

A. No; revolutions in other countries—that they were fatal.

Q. Did you ſee that in the ſpeech?

A. No.

Q. Has Mr. Yorke read it to you lately?

A. No; I did not come here to learn my leſſon, but to tell the truth.

Q. Have you been with him lately?

A. His Counſel examined us in his room.

Q. Did he read it to you?

A. No, there was a perſon at the inn I am at, that read ſome of it, Mr. Moſes Taylor.

Q. Who is he?

A. A perſon that comes from Sheffield and we wiſhed to hear it read.

Q. And you could fix upon no paſſage that you heard Mr. Yorke ſay?

A. Yes, that about the 558 Gentlemen——I recollect he ſaid ſomething about them, but I do not recollect that ſentence.

Q. Where did you get it—at Mr. Gales's?

A. I got it, I believe, at our houſe where I live—I did not purchaſe it.

Q. Where do you live?

A. At one John Barton's.

Ebenezer Rhodes ſworn. Examined by *M. Yorke.*

Q. Do you remember being at the Caſtle Hill upon the 7th of April?

A. I was.

Q. How far off was you from me?

A. From eight to ten yards.

Q. You heard me diſtinctly?

A. Yes.

Q. Can you recollect any of the diſcourſe?

A. I recollect the ſpirit of the diſcourſe.—You commenced by ſtating, that you imagined there were ſome ſpies preſent—that you ſhould be very guarded, with reſpect to the expreſſions you might make uſe of on that day; and, you likewiſe declared, you did not mean to broach any new doctrines, and that you ſhould defend the doctrine you ſhould that day broach, from the writings of Locke, who had received 1000l. a-year for writing that book, and had been preferred to the office of Maſter of the Mint.

Q. Did I ſpeak of a reform in Parliament?

A. Yes.

Q. Any thing about levelling property?

A. You declaimed againſt it; ſaid it was a very wild idea; that thoſe only were the levellers who wiſhed to reduce men to a level with the brutes.

Q. Did you ever read this book, entitled "Proceedings of the public Meeting?"

A. Yes.

Q. When did you read it?

A. I believe in a day or two after it was publiſhed.

Q. Did the ſpeech upon the Caſtle Hill make any impreſſion upon your mind?

A. It did.

Q. Did you obſerve any difference?

A. Yes, a very aſtoniſhing difference.

Q. Do you think if I were to read you any expreſſion that you could charge your memory with them?—I will read to you——"Fellow citizens, the day is at length arrived, "when fanaticiſm and ſuperſtition, deprived of their tinſel "trappings, and expoſed, in their native uglineſs, ſlink "ſcowling back to the cave of obſcurity; there, I hope, "they will ever remain, the energy of Engliſhmen will no "longer endure this ſtrange uproar of injuſtice. I truſt, my "countrymen are ſick of religious and political impoſture, "and that their deciſive and manly conduct will command, "in an imperious tone, which will take no denial, not a "melioration of thoſe enormous abuſes, which would be to "compromiſe with injuſtice; but, I truſt, they will demand "the annihilation of corruptions and abuſes, and the reſti-"tution of the original rights of human nature."——Do you remember that?

A. I do not, nor I do not think any ſuch expreſſions were uſed.

Q. Slinking back?

A. No; I do not recollect it.

Q. Nor any thing about ſcowling away?

A. No.

Q. It having made an impreſſion upon your mind, do you think you ſhould be able to recollect it if you had heard it?

A. I think I ſhould.

Q. Do you remember this:—"It muſt be granted that "this experience is important, becauſe it teaches the ſuffer-"ing nations of the preſent day, in what manner to prepare "their combuſtible ingredients, and humaniſts in what man-"ner to enkindle them, ſo as to produce, with effect, that "grand political exploſion, which, at the ſame time that "itburies deſpotiſm, already convulſive and agonizing in "ruins, may raiſe up the people to the dignity and ſublime "grandeur of freedom?"

A. I don't remember it.

Q. Political exploſion is an uncommon burſt of ſpeech?

A. I am pretty certain that political exploſion was not made uſe of—I am as poſitive as a perſon fifteen months after can be, and having made no minutes of the ſpeech.

Q. Nor combuſtible ingredients?

A. I don't recollect it.

Q. Nor burying deſpotiſm?

A. No.

Q. Do you know a man of the name of Frith, a ſurgeon?

A. Yes.

Q. Had you ever any converſation with him reſpecting me?

A. Yes.

Q. When?

A. So late as laſt Saturday in the forenoon.

Mr. Law *objected to Mr. Yorke's going into that circumſtance, not having examined Frith to it, which the Court allowed.*

Mr. Yorke. Did you ever hear me ſay that government would pack juries?

A. I don't recollect that.

Q. I am ſpeaking ſolely of the 7th of April; if you had heard that circumſtance it would have ſtruck you?

A. It might, but not ſo ſtrong as ſome other expreſſions.

Q. Did you hear me ſay that the Jury at Lancaſter were corrupt, and would have convicted us; but the vile tools of adminiſtration had given it up?

A. I don't remember your mentioning any ſuch thing.

Q. Do you recollect my deſiring the people to get arms on the 7th of April?

A. No; and I am very confident you did not deſire the people to get arms; if any thing of that ſort had been ſaid, I muſt have obſerved it, becauſe it would have convinced me that you was not the perſon I apprehended you to be.

Q. And, pray, what kind of a perſon did you apprehend me to be?

A. I apprehended you to be an individual, much attached to the cauſe of reform; but never underſtood your ideas went any further.

Q. Do you remember this particular expreſſion.—"You "behold before you, young as I am, about 22 years of "age; a man, who has been concerned in three revolutions "already; who eſſentially contributed to ſerve the revolution in "America; who eſſentially contributed to that in Holland; "who materially aſſiſted that in France; and who will ſtill "continue to cauſe revolutions all over the world?"

A. You did not ſay ſo.

Q. Will you take upon you, upon your oath, to ſay, you never heard ſuch an expreſſion?

A. I never did; I ſhould have thought you a very wild fellow if you had.

Q. I will read it to you again. "you behold before you, "young as I am, about 22 years of age; a man who has "been concerned in three revolutions already; who eſſen- "tially contributed to ſerve the revolution in America; who "eſſentially contributed to that in Holland; who materially "aſſiſted that in France; and who will ſtill continue to "cauſe revolutions all over the world."——Turn to the Jury and ſay, before God and your country, that you did not hear ſuch expreſſions?

A. I can poſitively ſay, before God and my country, that you did not ſay any ſuch thing.

Q. What do you think was the general tendency of my ſpeech upon the Caſtle Hill?

A. I conceive it was to adviſe the people to be very orderly in their conduct, to endeavour to diſſeminate political information, and that your ideas extended to no greater a degree than that, and by that means they would become ſenſible of any abuſes in the mode of election or repreſentation.

Q. Then you thought the political knowledge I wiſhed them to acquire, was the knowledge of their own country; not to teach them revolutionary doctrines, or the doctrine of the holy and immaculate guillotine?

A. No.

Ebenezer Rhodes croſs-examined by *Mr. Topping*.

Q. Do you remember ſomething about levellers?—— "Thoſe are levellers whoſe hands are dipped in the public "ſpoils"

A. I do not recollect there was any ſuch thing.

Q. Will you ſwear there was not?

A. No I do not mean to ſwear any ſuch thing.

Q. "Who aſſert impunity for crimes, and inviolability "of perſons.

A. No; I cannot call ſuch expreſſions to my mind.

Q. You had the book a day or two after it was publiſhed?

A. Yes.

Q. How ſoon was it publiſhed after the ſpeech was ſpoken?

A. I cannot ſay; I ſhould ſuppoſe about a week or two.

Q. You ſaw the publication;—how did you get it?

A. I got a young man to call at Mr. Gales's ſhop for it.

Q. An intimate friend of his?

A. Yes.

Q. Mr. Gales publiſhed this?

A. Yes; they were ſold at his ſhop, therefore he was the publiſher.

Q. Mr. Broomhead was your Secretary; was not he?

A. Our Secretary—I do not know what you mean.

Q. Was not you one of the committee?

A. No, nor was I a member of the ſociety.

Q. Was you preſent when the box of them was ſent to London?

A. No.

Q. Did not you ſee the manuſcript in Mr. Gales's ſhop?

A. No.

Q. Did you ſee Mr. Gales ſoon after you got the printed copy?

A. I cannot ſay that I did ſee him within a week of the time.

Q. Mr. Gales heard the ſpeech at the meeting as well as you, I ſuppoſe?

A. I ſuppoſe ſo—he was there—I ſaw him at about the commencement of the ſpeech, but did not ſee him after.

Q. You ſaw Mr. Gales very near the tribune?

A. Yes, I did.

Q. Were Mr. Gales and Mr. Yorke intimate?

A. I believe they were.

Q. You remember his lodging at Mr. Gales's, perhaps?

A. No, I do not, nor I don't believe he ever did lodge there.—I have ſome reaſon to believe he lodged elſewhere.

Q. Do you remember ſuch an expreſſion as the 558 Gentlemen?

A. I do remember the expreſſion of the 558 Gentlemen going about their buſineſs.

Q. And St. Stephen's Chapel, you remember?

A. Yes.

Cornelius Taylor ſworn. Examined by *Mr. Hotham.*

Q. Do you know Dr. Frith?

A. Yes.

Q. What did he ſay to you about the meeting?

A. He called upon me as he was going to the Caſtle Hill, and aſked me, if I would go with him, and I told him no, I could not ſpare time to go; and when the meeting was over, he called in; I aſked him how he liked Henry Yorke, he ſaid *extraordinary well, he perfectly agreed with all he ſaid; and farther, that he was too mild a man to be of the Sheffield Conſtitutional Society, that he would ſoon be knocked off the liſt; only one thing he objected to, and that was, that the will of the people was the ſupreme law, which he objected to.*

Q. I wiſh you to repeat what he ſaid to you?

A. *He ſaid he liked Henry Yorke extraordinarily well; he ſaid, that he perfectly agreed with every thing that he ſaid, and that he was too mild a man to lead the Conſtitutional Society; he agreed with every thing, but that the will of the people was the ſupreme law.*

Cornelius Taylor croſs-examined by *Mr. Law.*

Q. How long was it before this meeting that you knew Mr. Yorke was to make this ſpeech?

A. I did not know Henry Yorke.

Q. Did you not know that he was to ſpeak?

A. No, I cannot recollect any thing about it.

Mr. Yorke. You were not a member of the Society?

A. No.

Q. You are an intimate friend of Mr. Frith's?

A. Yes.

Q. And continue to be ſtill in habits of intimacy with him?

A. Yes, I have no enmity towards him.

Reverend *Mr. Warwick* ſworn. Examined by *Mr. Yorke.*

Q. Were you preſent at the meeting on the 7th of April?

A. Yes, ſo near that I could diſtinctly hear you.

Q. What induced you to go there?

A. Curioſity.

Q. Are you a member of any political ſociety in the kingdom?

A. Not any.

Q. Do you recollect particularly the ſpeeches that I made that day?

A. They made a great impreſſion upon my mind; but I never took particular notice of them afterwards, except one or two inſtances, which I have uſed often in your vindication.

Q. What were thoſe expreſſions?

A. Particularly declaiming againſt levelling principles, and producing ſeveral examples to ſhew the folly and wickedneſs of adopting any ſuch ſyſtem: that is the principle of what I adduced in your defence; but I can enter into the ſpirit of any paſſage that may be read to me.

Q. Have you ever read that pamphlet?

A. I have.

Q. When?

A. I never ſaw it till the day before yeſterday.

Q. Do you think what this book contains is a genuine account?

A. I never read it till the day before yeſterday, and then was much ſurpriſed at the diſſimilarity.

Q. Did you ever hear ſuch an expreſſion as this—— "Fellow Citizens—The day is at length arrived, when "fanaticiſm and ſuperſtition, deprived of their tinſel trappings, and expoſed, in their native uglineſs, to the view of "mankind, ſlink ſcowling back to the cave of obſcurity; "there, I hope, they will ever remain. The energy of "Engliſhmen will no longer endure this ſtrange uproar of "injuſtice. I truſt my countrymen are ſick of religious and "political impoſture, and that their deciſive and manly conduct will command, in an imperious tone, which will take "no denial—not a melioration of thoſe enormous abuſes, "which would be to compromiſe with injuſtice; but I truſt "they will demand the annihilation of corruptions and abuſes, "and a reſtitution of the original rights of human nature." —Did you hear that expreſſion?

A. Only one idea which I recollect in it at the latter end, the former I do not recollect at all—I truſt they will demand the annihilation of corruptions and abuſes, and a reſtitution of the original rights of human nature; an annihilation and not a compromiſe, I underſtood it; a total annihilation of abuſes, and not a conſent to have them done away in part, that idea he certainly conveyed.

Q. Do you not remember any thing about the cave of obſcurity, fanaticiſm, and ſlinking and ſcowling away. You are a ſcholar, and a man of literature, and there is a great deal of metaphor about it.

A. It is a remarkable expreſſion—I did not hear it.

Q. " It muſt be granted that this experience is important, " becauſe it teaches the ſuffering nations of the preſent day " in what manner to prepare their combuſtible ingredients, " and humaniſts in what manner to enkindle them, ſo as " to produce with effect that grand political exploſion, " which at the ſame time that it buries deſpotiſm, already " convulſive and agonizing, in ruins, may raiſe up the people " to the dignity and ſublime grandeur of freedom."

A. I don't recollect a ſyllable of it.

Q. Upon your oath don't you recollect it?

A. It is perfectly new to me.

Q. Do you recollect on that ſame day my making any mention that government could pack juries when they pleaſed?

A. I do not recollect.

Q. If I had ſaid it you would have recollected it?

A. I perhaps might.

Q. Do you recollect theſe words—" You behold before " you, young as I am, about 22 years of age,—a man who " has been concerned in three revolutions already; who eſ- " ſentially contributed to ſerve the revolution of America; " who eſſentially contributed to that of Holland; who ma- " terially aſſiſted in that of France; and who will ſtill conti- " nue to cauſe revolutions all over the world?"

A. I believe if I were to ſay you made uſe of any ſuch expreſſions, before my country and my God, I ſhould be the moſt perjured man alive; and the vanity of the expreſſion would have made ſuch an impreſſion upon me, I could not have forgot it.

Q. Do you recollect my ſaying any thing concerning the trial at Lancaſter, that the jury would have been corrupt enough to have convicted me, had not the vile tools of adminiſtration given up the buſineſs?

A. Something was ſaid about the trial at Lancaſter.

Q. Do you recollect, upon your oath, my having deſired the people to arm themſelves at this meeting?

A. Never.

Q. You never did?

A. Never, but the contrary.

Q. Was not the general tendency of the ſpeech to keep the peace?

A. Yes, or I never would have aſſociated with you.

Q. Were you often in company with me in private?

A. I was.

Q. You uſed, I believe, to ſift me, in order to ſee if you could make me out?

A. I endeavoured to learn your intentions, in order to ſee what the Sheffield Society were about.

Q. You have generally heard that I was a man-butcher, fond of blood and ſlaughter?

A. I have heard you abuſed very much, and vilely traduced.

Q. You have heard me traduced before you became acquainted with me?

A. Yes.

Q. From your knowledge of me, ſo frequently ſeeing me in private, do you believe me to be a man inimical to the conſtitution, or unfriendly to peace and good order?

B. By no means.

Q. Do you believe I meant any thing more than a reform in the repreſentation of the people?

A. I could collect nothing from my knowledge of you but the direct contrary ideas; and I have often heard you ſay in private, that no one but a knave or a madman would think of bringing about a revolution in this country.

Reverend *Mr. Warwick* croſs-examined by *Mr. Wood.*

Q. You are a clergyman, I believe?

A. A Proteſtant diſſenting miniſter.

Q. How long have you been acquainted with Mr. Yorke?

A. In March 1794.

Q. Have you been pretty much with him ſince?

A. Several times in his company.

Q. How near was you to him when he made his ſpeech?

A. Near enough to hear diſtinctly all he ſaid.

Q. How far was you from him?

A. Ten or eleven yards, or thereabouts.

Q. Did you ſee Mr. Gales there?

A. I once ſaw him, and that was all; and I was hardly certain whether it was Mr. Gales or not.

Q. He turned round, did not he, and addreſſed them in various parts?

A. Yes.

Q. So that he had his back ſome time to you?

A. Yes, ſome time, and ſome time his face.

Q. You heard ſomething about levelling and levellers—See if this is any thing like what you heard—" It is ſaid " we are levellers, but thoſe are levellers who wiſh to reduce " man to the condition of the brute, guided by paſſion and " uninfluenced by reaſon."

A. I cannot recollect guided by paſſion and uninfluenced by reaſon; but the reſt I do recollect.

Q. Did Mr. Yorke ever tell you he would print his ſpeech?

A. I never heard that he intended it.

Q. Had you any converſation with him about it?

A. No.

Reverend *Mr. Moſes Taylor* ſworn. Examined by *Mr. Yorke.*

Q. Were you preſent at the meeting of the Caſtle Hill on the 7th of April?

A. Yes.

Q. How far from me?

A. Five or ſix yards.

Q. Did you hear diſtinctly every thing I ſaid?

A. I did every part of your ſpeech.

Q. Did it make that kind of impreſſion upon your mind that you can give any account of that ſpeech, its tendency and ſpirit?

A. Certainly, I underſtood that your principles were of a moderate kind; that you inſiſted upon the neceſſity of reform in the Commons Houſe of Parliament; that, in order to obtain this, it was abſolutely neceſſary that the people ſhould go on in the ſame manner as they hitherto had done, that is, in endeavouring to inform the public mind to the full extent of their power; and when, in conſequence of a general information, mankind ſhould be ſenſible of thoſe things which were conſidered as abuſes, they would then no doubt be unanimous in calling for a re-eſtabliſhment of thoſe things which were their rights, as the conſtitution was in its original formation.

Q. Do you recollect my ſaying any thing about levelling principles, and recommending them to level all property?

A. No, I recollect you mentioned levelling, and ſaid, that a man who would pretend to bring forward levelling principles, is an abſurd character indeed; for you ſaid, ſuppoſe there was a levelling of property to-day, mankind, in this reſpect, would not be levelled to-morrow.

Q. Have you ever read that pamphlet?

A. I have read all, a few paſſages excepted, the other day at the public-houſe we were at.

Q. Do you think this is a juſt repreſentation of the ſpeech I made at the Caſtle Hill?

A. I think there are various things in that ſpeech which you did not deliver.

Q. Then you conſider it as diſſimilar?

A. Yes, in ſeveral points.

Q. Do you remember this——" Fellow Citizens—The " day is at length arrived, when fanaticiſm and ſuperſtition, " deprived of their tinſel trappings, and expoſed, in their " native uglineſs, to the view of mankind, ſlink ſcowling " back to the cave of obſcurity; there, I hope, they will " ever remain. The energy of Engliſhmen will no longer " endure this ſtrange uproar of injuſtice. I truſt my coun- " trymen are ſick of religious and political impoſture, and " that their deciſive and manly conduct will command, in " an imperious tone, which will take no denial,—not a me- " lioration of thoſe enormous abuſes, which would be to " compromiſe with injuſtice; but I truſt they will demand " the annihilation of corruptions and abuſes, and a reſtitu- " tion of the original rights of human nature."—Do you re- member that?

A. I believe that never was expreſſed at the Caſtle Hill as it is there.

Q. Do you remember any thing about the tinſel trappings, and the ſlinking and ſcowling away?

A. No.

Q. Do you think if it had been uſed by me, you could now charge your memory with it?

A. I think I could.

Q. Upon your oath you do?

A. Yes.

Q. Do you remember this—" It muſt be granted this " experience is important, becauſe it teaches the ſuffering " nations of the preſent day in what manner to prepare their " combuſtible ingredients, and humaniſts in what manner " to enkindle them, ſo as to produce with effect that grand " political exploſion, which at the ſame time that it buries " deſpotiſm, already convulſive and agonizing, in ruins, may " raiſe up the people to the dignity and ſublime grandeur of " freedom."

A. I never heard " political exploſion."

Q. Nor combuſtibles?

A. No; as far as I can charge my memory with your ſpeech, I never heard ſuch words drop from your lips.

Q. You would certainly have remembered this flight, of raiſing up the people to the dignity and ſublime grandeur of freedom?

A. I remember a ſpeech very much like it.

Q. Not as referable to this ſentence of the political explo-ſion?

A. No.

Q. Do you recollect my deſiring the people to arm?

A. I believe you never ſaid a word about arms.

Q. Will you ſwear this?

A. I will undertake to ſwear you never recommended arms at that meeting.

Q. If I had you would have recollected it?

A. I certainly ſhould, becauſe I ſhould have abhorred ſuch an act.

Q. Do you remember this—"You behold before you, "young as I am, about 22 years of age, a man who has "been concerned in three revolutions already; who eſſen-"tially contributed to ſerve the revolution in America; who "contributed to that in Holland; and who materially aſſiſt-"ed in that of France; and who will ſtill continue to cauſe "revolutions all over the world."—Do you recollect any ſuch expreſſions?

A. I never remember a word of the kind.

Q. Will you undertake to ſwear, before God and your country, that you never heard it?

A. I will venture to ſwear that ſuch a ſentiment was never brought forward at that meeting.

Q. Do you recollect my ſaying that the government could pack juries when they pleaſed?

A. I do not remember that you did.

Q. Do you remember my ſpeaking about my trial at Lan-caſter, with Mr. Walker of Mancheſter?

A. You might mention it.

Q. Do you remember this, that the jury would have con-victed us, had not the vile tools of adminiſtration given it up?

A. I do not.

Q. Do you think you ſhould if I had uſed it.

A. I think I ſhould.

Q. The general tendency of my ſpeech was moderate?

Q. Yes.

Q. Recommending peace?

A. Yes, ſometimes you expreſſed yourſelf in a ſtrong man-ner; but I never underſtood that you meant to excite people to any kind of diſorder; you recommended peace and good order, and that whatever abuſes exiſted, they muſt obtain the removal of thoſe abuſes in a manner conſiſtent with the well-being of ſociety.

Reverend *Moſes Taylor* croſs-examined by *Mr. Law.*

Q. Where do you live?
A. At Sheffield.
Q. Are you a diſſenting miniſter?
A. Yes.
Q. How long have you lived there?
A. Eight or nine years.
Q. Did you know Mr. Yorke when he reſided there?
A. I never ſaw him again till I ſaw him in York.
Q. And his ſpeech being ſo very peaceable and orderly, did not it beget in you an inclination to be better acquainted with the author of the ſpeech?
A. No, my thoughts were turned on other ſubjects.
Q. To heaven perhaps?
A. Yes.
Q. Perhaps your thoughts at the time were after ſome wild gooſe chaſe—are you ſure you was attending to him?
A. Yes.
Q. Was not you talking about or thinking of ſomething elſe?
A. No, I was paying the moſt profound attention.
Q. Of what deſcription are you as a diſſenting miniſter?
A. A Calviniſtic Independent.
Q. Have you a church of your own?
A. Yes.
Q. How many of your congregation have you ſeen here to day?
A. Not one.
Q. Whereabouts is your church?
A. Our place of worſhip is in Howard-ſtreet in Sheffield?
Q. You are with this other clergyman, Mr. Warwick.
A. We do not lodge at the ſame houſe.
Q. Where do you lodge in York?
A. At two different places, and I don't know either of them.
Q. Should you be able to find the way home without a javelin man?
A. Yes, I can; I know no more about the houſe I was at laſt night than I know about your character.
Q. Who took you there laſt night?
A. A gentleman I met with in this town, with whom I became particularly familiar.

Q. What a wild ſtory this is for a gentleman ſpeaking to recollection of 15 months ago!—what is this gentleman's name?

A. I do not know.

Q. Is he of the ſame profeſſion with yourſelf?

A. Yes.

Q. What ſtreet is it in?

A. It is near the Pavement; I ſlept with him there.

Mr. Yorke. Was it the gentleman you ſaw with me?

A. Yes, I think his name is Walker; I was coming into Mr. Yorke's room; I had never been in his company till I came here; and this gentleman coming out of Mr. Yorke's room door, and he made himſelf very free with me; he aſked me if I would come and dine with him; I underſtood he was of the ſame profeſſion;—there he ſtands behinds the Judge.

Mr. Law. 'Tis very odd you ſhould not know his name all this time?

A. I ſhould find myſelf at no difficulty at all upon this head—could I not addreſs him without addreſſing him by his name?

Q. That is the ſtory you tell.

Mr. Yorke. I proteſt I don't know the gentleman's name myſelf, though I have ſeen him ſix or ſeven times.

REPLY.

MR. LAW's SPEECH.

Gentlemen of the Jury—There have occurred in the courſe of this cauſe many circumſtances that have occaſionally excited in my mind much compaſſion for the unfortunate Gentleman who is the object of this indictment; but I muſt ſay that my mind is much relieved from the preſſure of that compaſſion by the evidence that he has produced to you, and, moſt of all, by that that was produced to you laſt; and it does make my mind ſhudder, feeling what I feel, from this, and recollecting what I do of other caſes, where a holy zeal has brought forward perſons—(I don't uſe the word holy zeal in the beſt ſenſe of that word,) but where the zeal of enthuſiaſm has brought forward perſons to tell a fabricated tale, for the purpoſe of protecting their partiſan from the puniſhment of the law. I remember recently a clergyman, who was indicted for words of a very dangerous and ſeditious tendency, upon the Weſtern Circuit; I don't know whether your Lordſhip was upon that circuit; but, my Lord, there was the caſe of a Mr. Winterbotham, who was convicted of a libel, where there came of that holy profeſſion, that ought to have taught them better things, miniſter after miniſter, the auditors of that ſermon, who ſwore, with confident memory and perfect recollection, negativing every word ſpoken by honeſt and plain men who heard that ſermon, who ſpoke to the miſchievous contents of it, who related ſuch a plain unvarniſhed tale, that they received that implicit belief which was denied to perſons of better pretenſion, but not of better credit, as the reſult proved. Gentlemen, Theſe are ſad things in the adminiſtration of juſtice; they alarm any man who wiſhes to have the truth ſifted and inveſtigated, and to have either conviction or acquittal ſtand upon the genuine baſis of juſtice; and therefore I do ſay, from the obſervation of theſe witneſſes, my mind is diſincumbered from a great deal of that load of compaſſion which during

the cauſe was impreſſed upon it. I did feel for a young gentleman of talents, who might have ſhone where talents were requiſite; but I do fear that the miſapplication of thoſe talents, the miſapprehenſion of his mind, and the devotion of its powers, have been to pervert and miſlead thoſe who were the immediate objects upon which his talents were employed, and to miſlead himſelf, as much as any others, in the dangerous paths of miſchievous ſedition, into which he has been ſeduced, by the mere vanity of being, what he has great pretenſions to be, an orator, a public ſpeaker, attracting much attention; and I am ſorry he has fallen a martyr to it: But when I ſpeak of the proof in this cauſe, good God! what have I to combat! There is not one witneſs that has been called who, induſtriouſly forgetting ſomething, or from the lapſe of time, forgetting ſomething contained in this book; but every one recollects a part, ſome recollect ſomething about the 558 gentlemen in St. Stephen's chapel, others recollect his ſaying ſomething about their being ſent away, others recollect, becauſe there was a paragraph in the ſpeech that Mr. Yorke rather wiſhed they ſhould recollect, as it favoured ſomething of a diſpoſition to peace and good order, that he was againſt levellers; that, you find all of them willing to recollect, though they withhold their recollection from thoſe parts which are more prominent. But ours is not a caſe to be met by the lapſes of memory as to particular parts; it was publiſhed by the very right hand, the very immediate boſom friend and aſſociate of this man, who had been previouſly living with him in his houſe *, reſiding in the place, and the very men who have had the confidence to tell you to day, that the ſpeech is diſſimilar—Are men who tell you this improbable of all tales, that reading it within the ſhort compaſs of a fortnight, many of them when the memory is freſh, they tell you that his ſpeech was an exhortation to peace and good order throughout, every thing that is favourable to the intereſts of the community, while the printed account they admit is miſchievous, and has a tendency to excite diſorder, and particularly vilifying and traducing the Houſe of Commons.

Gentlemen, Before I go to their evidence, let me call an unqueſtionably concluſive one of my own. He has not been examined here as a witneſs, but you have heard him as an advocate; and, in that character, if he has not lent me the bias of his mind to vilify and diſgrace the Commons Houſe of Parliament, then am I not without evidence, omitting

* I never lived in his houſe, and where is the evidence who has aſſerted it in this trial.

every other particle of evidence in the cauſe, and let me turn your attention to the paſſages, where the kind interpoſition of my Lord ſtepped forward to prevent him from the raſhneſs he was about to be guilty of: but fortunately he was not interrupted till he had completely ſhewn me his diſpoſition, that it was perfectly gangrene, and that he had at this moment, when it was moſt important to him for his ſafety, to have you believe that he did reſpect that important branch of the Legiſlature, do you believe that he ſpoke of it with reſpect, when there was no ſuch reaſon that he ſhould be upon his guard that there is now. One would have ſuppoſed that when he was endeavouring to make you believe he did ſo expreſs himſelf, that he would certainly ſo have expreſſed himſelf now. And, Gentlemen, I have taken it down—the gentleman is near me, and will contradict me if I am wrong, and you yourſelves will recollect whether I ſtate it correctly. Speaking of the Negro cauſe, he ſays, the Houſe of Commons thought it better to advance the cauſe of national wealth than the cauſe of national honour. That is a direct charge upon this body; and if his paſſions are not ſufficiently under controul to be decent at this moment of peril, do you think that, in the full ſecurity of his vanity, he would have had his imagination on the check more at that time—do you think he would have been more upon his guard—do you think he would have been leſs likely to fall into the lapſes that are ſtated with reſpect to him, and which it appears to me he is as much the publiſher of in point of law as Gales himſelf.

Now, here he ſays, ſpeaking with much anger of the ſuſpenſion of the Habeas Corpus act, (which the preſent government, nor no government with the leaſt wiſdom, ever reſorts to, but in caſes of ſuch urgent neceſſity, as when the meaſure would be otherwiſe unwarrantable, is not only warrantable, but deſerving of approbation and praiſe) now, what does he ſay of that body, acting under an impulſe of neceſſity, infinitely greater than ever has exiſted before for the ſuſpenſion of that act. We have had it ſuſpended, it is true, in the firſt inſtance, in the time of the Pretender, but at that time the army of Great Britain was ſtrong; there was no internal danger of a magnitude equal to that of late. But of this meaſure of the Legiſlature, and particularly of the Houſe of Commons, for he does not embrace the Lords in his general reprobation, he ſays in thoſe emphatic words, with which, in the moment of peril, he has the raſhneſs to calumniate this body: "The Houſe of Commons have, in one day, laid the liberties of the people at the foot of the

throne, and every man had occaſion to tremble for his perſonal liberty." Is that a true repreſentation of that act of the Legiſlature, and ſanctioned by the Crown, which if one was deſirous of catching a haſty expreſſion, might itſelf have been the ſubject of proſecution? Will you believe, then, that this gentleman was more upon his guard at that time, when an advertiſement was inſerted, notifying, that Citizen Yorke was to make an addreſs to them; and one of the witneſſes ſays, he had known ſome time before that he was to make the ſpeech, it being evidently the talk of men, women, and children, that he was to make it; and one of the perſons by whom Mr. Frith was employed, told him that morning, that that famous orator was to make a ſpeech; and yet ſome of theſe witneſſes have had the confidence to tell you, it was an accidental unforeſeen circumſtance; that a voice was heard; and really when one hears the enthuſiaſtic fanatic way in which it is ſtated, a voice was heard calling upon Citizen Yorke to fill that tribune, in which all the ſedition was preſently to be vomited forth, there is a degree of profane fanaticiſm about the expreſſion, that I own ſhocked me very much at the time. But it appears that this was a regular digeſted, projected plan between Mr. Gales, Mr. Broomhead, and this gentleman, that he was then to aſcend the chair, this ſpeech was to be let off, and all theſe combuſtible ingredients to be adminiſtered, which were to produce that political exploſion, to blow up what they chooſe to denominate deſpotiſm; which, if it were an abominable government, as they have had the wickedneſs to compare this government to thoſe at Turkey and Aſia, I do not know whether a momentary revolution would not be better. But when they are praying with religious fervour for the arrival of that moment, a revolution, when the miſts of prejudice were to be removed from the eyes of the public, and when that government is to be done away, which had been the pride of their anceſtors, the pride of themſelves, and which by that prudent degree of temperate amendment which no perſon would reſiſt upon a proper application to the Legiſlature, would inſure to us all the bleſſings which have been the comfort of all preceding ages; and yet, Gentlemen, all theſe bleſſings are to be put at hazard for the raſh ambition of this young man and his aſſociates; and they have the confidence to tell you reſpecting thoſe pikes: One of them ſays, that the two meaſures of the arming and the aſſociations at Sheffield, againſt which thoſe arms were ſuppoſed to be prepared, were cotemporary events; and the man who admits, that upon the 7th of April theſe arms had been pre-

pared by himſelf, ſwore it was becauſe at that moment the gentlemen of Sheffield had entered into an armed aſſociation, and that it was to defend themſelves againſt that aſſociation; whereas it appears, by a written paper in the hand of Mr. Frith, that it did not commence till the 1ſt of May. It is ſworn, that upon the 2d of April Mr. Yorke was not preſent in this committee-room, but reſpecting which Broomhead does not fix it to that particular day; but of this he is perfectly clear, he was there ſeveral days before the 7th of April, when the propoſition was to be made; by which it appears, that he was privy to the communication that a ſham motion ſhould be made for a petition to Parliament, and that he ſhould, with Broomhead, have been the means of carrying it into effect. Is that contradicted by any body? It is confirmed by the event, which is worth all the poſitive ſwearing they may bring you. If it had been the purpoſe of this meeting to petition Parliament reſpectfully, one would think they would have got that petition prepared, juſt the ſame as they had the petition to the King for the abolition of Slavery. No ſuch petition was prepared; but it is agreed that it ſhould be propoſed. Broomhead ſaid it was agreed it ſhould be negatived. What was the event? it was negatived: But if it was agreed at the committee that it ſhould be propoſed, then why did not ſome of the committee get up and ſecond it! How came it to be ſtill-born! that is what Broomhead ſays; and you obſerve the unwillingneſs with which every particle of evidence is extracted from him; and yet he is compelled by the force of truth to admit it. Gentlemen, This very paper contains the reaſons they aſſigned to the public why they would not petition the Houſe of Commons again, and therefore it falls in and dove-tails with every part of their plan. What Mr. Broomhead ſays muſt be true, becauſe it was negatived. They afterwards endeavour to make one believe that there never was any idea but of doing that thing; and at the ſame time you obſerved no ſuch addreſs was prepared. The reaſons that they aſſign are, that the Houſe of Commons is ſo corrupt a body, that it is not proper to addreſs them at all, nor petition them; and that it is perfectly folly or phrenzy to ſuppoſe that a corrupt agent would diſmiſs himſelf.

Then, as to Mr. Frith, who lives in Sheffield—and if there could be any imputation upon his character, it muſt be known to thoſe perſons; and if there had been an imputation, I don't think they would have omitted to have brought it forward *. It is true, they have got Taylor here, whom they thought would contradict him. But what is the contradic-

* I was prevented from going into his character by the Judge.—See p. 71.

tion? he receives positive confirmation, instead of contradiction. This gentleman says, that in his conversation with him he did not object to any thing but the principle:—Says he, the principle is a mischievous one: You have laid down two when you say, *Salus populi suprema lex*, the public welfare is the supreme law. In that I agree with you; but when you lay down, that the will of the people is the sovereign law, that is, the collecting the voice of the people in the tumultuous way, in which alone that voice could be collected; that the voice of the people, in that general sense, is the supreme law, is saying that tumult, riot, and anarchy, are to be substituted in the room of government and the law: And therefore Mr. Frith, upon very reasonable principles, did disapprove of that; and when he was asked how he liked him, he was struck with a splendid exhibition of oratorical talents; and Frith bore a very just testimony to his talents, lamenting, at the same time, that his talents might lead him to do a great deal of mischief; and that he said he had been in three revolutions already: that he had contributed to the revolution in America; had been instrumental in that of Holland; was assisting in that of France; and hoped to effect more revolutions ere he died. A mind early tutored with principles of political good or ill, may early be attracted: we are not concerned to make him state the truth. If this gentleman truly states that which he heard, and he has stated it in terms corresponding in the language of it to many things in this book, then I think there can be no hesitation in believing it was actually uttered. What interest has Mr. Frith, in God's name, to utter a single syllable that he made use of! and let me beseech you to consider the difference between positive and negative evidence. If a man speaks to a particular circumstance of an existing fact, from the recollection of those circumstances, and another man is brought only to say, I don't recollect such a thing passing; the one does not counterbalance the other; because, in the one case, it is engraven upon the memory; in the other, there is an oblivion comes upon the mind. In the course of 15 months the visionary impression of a few words is so natural, that it is wonderful they should retain them; and the only way they could retain them is this, that they have been in the habit of reconsidering them, and repeating them. I know that, in the course of my own experience, the very first speeches I have heard in Parliament or in the Courts, attending as a student, many of them remained with an indelible impression, while many other circumstances of much greater importance have made no im-

preſſion at all. The defence of this gentleman is, that he was contending only for a reform in Parliament; that he was only diſcuſſing before the aſſembled multitude the propriety of ſuch reform, and that he had not the leaſt idea of inſinuating any diſreſpectful mention of that Houſe, or the idea of effectuating a reform without their conſent. One of their witneſſes ſpoke of his having demanded an annihilation of abuſes, and not a compromiſe with injuſtice. Is that the language, conſidering he deemed every thing an injuſtice by which the mode of obtaining that reform was delayed; could he uſe that language without meaning immediate reſtraint and force upon their inclination? And now I will come to that which is concluſive evidence, of the publication by him: He is anſwerable for all the conſequences, even if not the very words, if he and this Gales, living together, in communion together, choſe to utter to the public, and ſend up a box of theſe miſchievous pamphlets *, he is as liable to anſwer for the publication as for the oral calumny on the Houſe of Commons uttered at the Caſtle Hill. How does it appear that he publiſhed it? Mr. Gales the printer was his confidential friend: this Mr. Gales, at whoſe houſe he reſided, with whom he previouſly ſettled that purpoſe, and negatived that motion when it ſhould be made; thus united, and acting together in the moſt miſchievous part of their miſchievous contrivances, this perſon is about to publiſh it, and aſks him to write it for him; and ſays Broomhead, "Silence gave "conſent." Thus he repreſents him as being requeſted to write down that ſpeech, and gave what conveyed to his mind the idea of conſent. The ſpeech appears preſently publiſhed in the town where both of them reſide, and was read by every body; and this incredible thing takes place. Theſe people ſay they read thoſe things recently publiſhed, and that they did not believe it to be ſimilar; that what paſſed upon the Caſtle Hill was properly loyal and peaceful; that the other contained a great quantity of combuſtible ingredients, and was calculated to produce a political exploſion; and with all theſe differences about it, all of them communicating together, and being in intimacy with Gales, none of them complained to him that this ſpeech had been miſrepreſented—Can you believe that, Gentlemen!—Why, ſuppoſe any of you had made a ſpeech, and it was publiſhed in the town where you reſided, by the friend of your boſom, the man with whom you was living and communicating at the very

* I had quitted the town of Sheffield when this box of pamphlets had been ſent. Of the reſt of this aſſertion, ſee note to page 20.

time, and that he does not merely publiſh it, but he ſends away box-loads of it, incloſes it in covers to the ſeveral members of Parliament, obtruding it upon every member of Parliament ſuppoſed to be favourable to plans of reform, more temperate than thoſe of the perſons alluded to, that all this ſhall paſs without Mr. Yorke's having any notice of it—I ſay it is as much ſtrapped about his neck as if you could ſee his hand penning every word of which it is compoſed; and therefore it is clear, that he either uttered the ſpeech, or approves its contents, and ratifies it afterwards, and is completely anſwerable for the whole wickedneſs of the publication. Mr. Yorke has laid in a claim to your conſideration, as a perſon declaiming on political topics, as informing the minds of others in the pure purſuit of public freedom, and in the exerciſe of public virtue, with the great names to which, I think, with no little vanity, he has endeavoured to aſſimilate his own name and labours*. But if he had taken this work of Locke's, with all the context about it; if, inſtead of ſo reading the detached part, taken from the works of Locke, or from the works of the other reſpectable perſons alluded to, and uttered to 12,000 people, aſſembled in a tumultuous manner, in a time of public ferment, with the enemy at the door, theſe people were encouraged to take arms, obeying that encouragement, and the arms have been ſhewn you to-day, fabricated under the eye and with the approbation of Yorke, (for that is diſtinctly in evidence) Yorke knowing to whoſe hands theſe miſchievous inſtruments were to be conſigned, for we have it from the unwilling teſtimony of Widdiſon, that a dozen and a half of theſe were to be made for Gales and his aſſociates; ſo that you find them communicating in every part; a dozen and a half were to be made for Gales and ſeveral others, and a quantity of ſhafts, to the number of 130 or 140, in order to make that miſchievous weapon uſeful for the purpoſes for which it ſeems calculated; when I ſee this brought home to the defendant, I know how to combine principle with practice, in the language of ſome of the authors which this gentleman has recommended, to effect that political exploſion, which evidently ſeems the whole of this plan of writing, of ſpeaking, and of arming, was calculated to produce—it was the extreme of miſchievous ſedition. And now, Gentlemen, as to the complaints this gentleman has made of his continued confinement, I, knowing many of the

* Therefore, it is vanity to imitate any good action, or to adopt any juſt ſentiment.

ramifications of this buſineſs, which, if they had been purſued, might have led to ſtill more dangerous conſequences, I would adviſe him, without ſpecifying particulars, in future to ſpare complaints where he has none to make, and rather to be thankful for the lenity of the preſent proſecution for a miſdemeanour, without which he might have felt the rigours of another ſpecies of proſecution. But when he ſays he is hunted down by the government, I aſk him, was it not open to him to have had bail; and if circumſtances of private embarraſſment has diſenabled him to avail himſelf of that bail, I do not think it very candid to throw out harſhneſs againſt government.

Mr. Yorke. It is no ſuch thing; I defy any man to ſay I owe 50 l. in the world.

Mr. Juſtice Rooke. Mr. Law, you are at liberty to ſtate to the Jury that Mr. Yorke might have been admitted to bail, but nothing further.

Mr. Law. Gentleman, That bail was eaſy, and I know thoſe who are intruſted with the proſecution, if any body had ſaid that the quantity of bail was inconvenient, it would have been alleviated to the loweſt ſum poſſible*; and there is not another man in the kingdom who has not availed himſelf of that opportunity, except in caſes of civil ſuit, which has been the caſe with a few men. But let it not go abroad in unfounded inſinuation, that this gentleman, or any other perſon in the kingdom, is the object of a ſpecies of proſecution, which, thank God, for ſeveral years the adminiſtration of this country has ſtood without being imputed to it. Upon that matter, however, he has improperly ſaid—I ought not to urge it, becauſe it may probably by-and-by be conſidered; and I truſt every circumſtance will be conſidered; for I tell him, in ſpite of his renunciation, it is the ſpirit of the Engliſh conſtitution to adminiſter, even in deſpite to him, juſtice with mercy, although he has renounced any claim to mercy. Why then, Gentlemen, having eſtabliſhed that this is a publication with which he is immediately chargeable, can you refer the language of it to the fair, genuine, liberal diſcuſſion of a topic of controverſy, upon the ſubject of reform in Parliament, or is not this a publication that aims at the deſtruction of the regular government of this country.—But if this does contain ſuch miſchievous principles as I ſay it does, how could that gentleman, with any jealouſy of his fame—how could that gentleman, with any reſpect for his ſafety, ſuffer this to gain ground in the country as a declara-

* On what is here ſaid reſpecting the bail, ſee the Preface.

tion of his ſentiments, when every ſentiment of his mind, as he would have you believe, is repugnant to it. I will juſt mention a circumſtance of confirmation that came very naturally from Mr. Frith, and which made a ſtrong impreſſion upon my mind. He recollected ſeveral things from accident; for I was going to part with him ſeveral times: Mr. Yorke preſſed him; and though in the habits of our profeſſion we don't preciſely know all they mean to ſay, that gentleman brought out an infinite quantity of matter to which I ſhould not have adviſed that gentleman. There was ſomething ſaid about families advanced to the throne that forgot the principles that advanced them there. Whether you were ſpeaking of the advancement of the houſe of Brunſwick, or the houſe of Hanover, I don't recollect, but I know there was ſomething pointed that you uttered upon that ſubject. Mr. Yorke ſtopped there, and there it would have reſted; but upon looking over this book, ſays he, do you think it was any thing like this—the triennial act;—O yes! ſays he, that is it, and then he went on with me through the paſſage. This, Gentlemen, in addition to the truth of the ſtory, reflects an undoubted credit upon it. But not only Mr. Frith recollects theſe paſſages, but Wreaks and Gillot recollect, and very pointedly recollect the circumſtances that paſſed. Indeed, I own they recollected with a perfectneſs, that when he was aſked if he had not read it ſince, he ſaid, fifty times, I dare ſay; and when he was examined as if it was to a milk ſcore, I ſhould have almoſt doubted. But he removed all difficulty upon the ſubject; for ſome parts that are not ſpecifically here, he could only have recited from memory, continued down from that preciſe period of time at which he heard it. Then there is Wreaks and Gillot recollect; and is not that much ſtronger than the abſence of memory, and forgetfulneſs of others, who, from the lapſe of time, forgot the particular paſſages concerning which they were queſtioned: And there ſeems to have been a great deal of artifice about a confuſion of metaphors, "ſcowling back to caves of obſcurity," and the Lord knows what. I confeſs I agree with them, that ſuch a confuſion of metaphors I ſhould have recollected; Mr. Yorke will pardon me, I don't mean to pay an ill compliment to his talents; I have not done it yet; but I think that was an aukward thing, and it might have made me recollect it; but ſome of them recollect the context; and one of the diſſenting clergymen recollected the words annihilation of corruptions and abuſes, and a reſtitution of the original rights of human nature: and this demanding of an annihilation of

corruptions, is by perſons not applying themſelves peaceably to Parliament, by way of repreſentation, or even by remonſtrance, but demanding of the people, in an imperious tone, that would take no denial, the annihilation of that which they chooſe to conſider as vices in the ſyſtem. Now, the other parts you have heard already conſiderably diſcuſſed, and my learned friend was anxious to have every part of it read to you in evidence; and I will give him the benefit of any explanation that can be derived from the context, and if there be a prevailing honeſt ſentiment, from which the writer or the ſpeaker has in a raſh moment occaſionally deviated, that occaſional deviation one would conſent to pardon, in favour of a general good intention, where that good intention was permanent: But when I ſee him treating the religion of this country as fanaticiſm—when I find him treating the preſent laws and government of this country as a political impoſture upon mankind—when I find him ſtating to them that they had endured theſe things too long, and would endure them no longer, which imports, that it was a grievance to endure them, till the light of reaſon had illuminated them—and when I find him, in order that every man's mind may feel what he wiſhes them to feel, telling them, that all this is prejudice and uſurpation, and that it is high time for this illuminated people to tell thoſe who repreſent them, and who were in communion with the other two branches, that it is time for them, and, he ſaid with a ſneer, for the 558 gentlemen to go about their buſineſs. Upon theſe expreſſions, there is hardly a witneſs who does not agree in confirming the uſe of them. I put it to any one of you ſeparately, can you find a way in which it could have been reſpectfully ſpoken; could he ſay it but with diſreſpect; can you believe that he wiſhed that the perſons to whom he was addreſſing himſelf, ſhould feel reſpectfully of them, when he was ſpeaking in the ſlight ſlippant terms in which he ſpoke of them. But, Gentlemen, I call to your recollection, in aid of this obſervation, how twice to night he deviated into the ſame intemperance, and in his addreſs to you, was guilty of that which might have been the ſubject of a proſecution, if the humane interpoſition of my Lord had not ſtopped him. Then the evidence goes to the poſitive unimpeached recollection of three perſons. The large parts of this ſpeech uttered at the time when the moſt miſchief could be produced, to a multitude of 5 or 6000, or double the number, collected by public advertiſement; which advertiſement ſtates, that in all probability a great number of friends would come from the country, and endeavouring to

cheat the multitude into a belief, that there was that unanimous contempt of the Houſe of Commons, that they would reſolve to petition them no more; then this inflammatory addreſs, touching their paſſions upon every ſubject moſt calculated to move them, touching them upon the ſubject upon which Parliament is about to give them that prudent redreſs, I mean upon the ſubject of the ſlave trade, and that he was wiſhing, firſt of all, to irritate their feelings; and then, in this publication, ſays, their ſituation was little better than the perſons of whom he was ſpeaking.

In the addreſs to the King, he ſays, "As we ourſelves feel, "we are naturally led to ſympathiſe with thoſe who feel alſo. "Wiſhing to be rid of the weight of oppreſſion under "which we groan, we are induced to compaſſionate thoſe "who groan alſo, and to deſire an alleviation of their ſuf-"ferings. On our own account we have repeatedly peti-"tioned the lower Houſe of Parliament, but petitioned in "vain. We are weary of the practice: We are diſguſted to "hear the hallowed name of liberty made the ſport of cor-"rupt placemen; and we are ſhocked to ſee that, in the "practice of legiſlation, humanity is but a name."

Now, I aſk, can there be a more pointed libel upon the whole legiſlature than this, holding out to the people of this country, that thoſe who are the fountains of law and the ſources of protection, that to them humanity is merely a name. In God's name, how is the Parliament of the country—how is the King, who preſides at the head of that Parliament, to be obeyed, if people are to be taught to treat them with that habitual contempt! This is not a caſe of ordinary ſedition, of light words, or a caſe in which a few expreſſions may meet the cenſorious eye of a critical obſerver; but the whole fabric of this ſpeech is miſchief; a peſtilence, affecting the vitals of the conſtitution in every part of it. And if puniſhment does not come down upon this gentleman, it is in vain, from this moment, to talk of that which he affects to prize ſo much—the liberties of the preſs: For, unleſs its vices are reſtrained, the licence of the preſs will deſtroy the liberty of it, and precipitate us into that ſtate of anarchy and confuſion, which obtains in another country; and which anarchy and confuſion has been mainly produced by the miſchief I am complaining of. The licenſed abuſe of every character, by the numerous journaliſts of that country, deſtroyed their liberty, which was followed by all that wickedneſs which has made every man, who had the leaſt ſentiment of virtue ſhudder; and I know no way ſo effectual to nip the miſchief in the bud, to have our dwellings ſecured to us from the depredations of thoſe who wantonly

rival the magiſtracy of the country, who addreſs multitudes for the purpoſe of arming;—and let it not be ſaid that the words ſlipped caſually from him—he muſt contemplate arming who approves arms when they are made. It is not upon the looſe wording of a letter that I lay a ſtreſs, he has one put into his hand, ſent by an aſſociate, upon this record: Unleſs, therefore, you are ready to conſign your country to ſpoil—unleſs you are prepared to ſatisfy the ſecurity of private life as well as public, in reſpect to characters, you will not give this broad encouragement to libellers—to the movers of ſedition and miſchief, which would be given if you heſitate a moment in giving the verdict which is warranted by that unimpeached body of evidence that has been laid before you, which is merely attempted to be aſſailed by the non-recollection of a few perſons of the deſcription of ſome of the witneſſes here, very fanatical, very zealous, very unworthy, from their manners, of any belief; a colluſion, and cloſed with that, which appeared to me groſs perjury, by the man whom they make to bring up the rear of their army;—you cannot believe the manner in which that evidence was given; but, if you believed it to the utmoſt, it does not impeach the poſitive teſtimony of the evidence we have produced; and, if you ſhould ſo believe, you will do that which is eſſential to the ſafety of yourſelves, your country, and the government that protects you—give that verdict of conviction that will conſign him to the proper puniſhment that awaits him, where he will find, although he may renounce it, that juſtice is tempered with mercy.

SUMMING UP.

MR. JUSTICE ROOKE.

Gentlemen of the Jury,

THERE is no principle I can more properly begin with in this caſe, before I ſum up to you, than that which the defendant himſelf ſet out with; namely, the deſiring you to diſcharge all prejudices from your mind upon this occaſion. I do not ſuppoſe that ſuch a caution is neceſſary; but, however I do entirely agree with him, and I do hope, and do not doubt but you will attend to the evidence that has been produced in this cauſe, without giving way either to falſe mercy on one ſide, or falſe prejudices on the other; that you will attend wholly to the evidence, and know, that the beſt way in which a Jury can execute their duty, is to give their verdict according to the evidence before them.

I told the defendant that you ſhould be apprized of what I conſidered to be the right of every man in this country; namely, that he has a right to diſcourſe upon ſpeculative plans of reform, with this proviſo, that he ſhall not endanger the peace of his country; for whenever ſpeculative men are not contented with, but go beyond their abſtract ſpeculation, it is for a Jury to determine whether they do not mean to do ſomething more, ſo to diſturb the public mind, as to bring the conſtitution into diſcredit, and to excite the ſubjects of the country to a ſtate of tumult and diſaffection; and we all know that the comfort and baſis of all governments is the mutual good affection that ſubſiſts between the magiſtrate and the people. If, on the one hand, the magiſtrate does not love the people, or if, on the other hand, the people do not look up to their magiſtrate with love and reſpect, that country never can go on in comfort and proſperity; and it is therefore a vice of the moſt odious and dangerous tendency, to wiſh to excite diſaffection between the governor and the people.

Before I ſtate to you the nature of this charge, I will alſo exhort you to bear this in mind, that the doctrine of annual Parliaments and univerſal ſuffrage, is that upon which men have very honeſtly held different opinions. I think, as I have told the defendant, in the courſe of the buſineſs, that the queſtion of annual Parliaments has been wholly miſunderſtood; for that, upon the ſubject of annual Parliaments we have them to this day, for the King does call the Parliament together every year: and the old conſtitution of this country, undoubtedly was, that it was at the pleaſure of the Crown whether it would call a new Parliament or aſſemble the old one; that was the conſtitution of this country at the æra of the revolution: for, from the earlieſt time to the acceſſion of King William, the King had it in his power to aſſemble either the old or call a new Parliament, but was not obliged to call them annually together. Since that time two alterations have been made; by the ſtatute of King William they were prohibited calling the ſame Parliament more than three times, and ſince that ſeven times and no more; and, therefore, queſtions ſtarted upon that ſubject appear not well underſtood; for the one and the other are only abridgments of the King's prerogative, for the King might call them as often as he pleaſed; after the ſtatute of Geo. I. he called them together for ſeven years only.

As to ſeptennial Parliaments, it is not for us to diſcuſs, it is enough to remind you that it is the law of the land; and whoever wants to change it, by any other means than that of fair diſcuſſion, is a bad member of the ſtate.

As to univerſal ſuffrage, we know, for three centuries paſt, we have had a legiſlative condemnation of univerſal ſuffrage in this country, and in no country upon the earth has univerſal ſuffrage ever prevailed. In a neighbouring country, after having tried it, they found it would not do. In no country has it obtained, and it is, at this moment, contrary to the law of this country. After hearing that, whoever would by any other means than fair diſcuſſion, inforce the doctrine of univerſal ſuffrage, is a miſchievous member of ſociety.

Theſe things being premiſed to you, I will now ſtate the indictment which has been found againſt the defendant. It "ſtates that he, together with Joſeph Gales, and Richard "Daviſon, being ſeditious and diſaffected perſons, and in-"tending to break and diſturb the peace of this realm, did, "on the 7th of April, in the thirty-fourth year of the reign "of our Sovereign Lord George the Third, now King of

" Great Britain, and ſo forth, and on divers other days and " times, as well before as after, with force and arms, at " Sheffield aforeſaid, in the county aforeſaid, unlawfully, " maliciouſly, and ſeditiouſly, did combine, conſpire, and " confederate with each other, and with divers other diſaf- " fected and ill-diſpoſed ſubjects, whoſe names are to the " ſaid jurors unknown, to traduce, vilify, and defame the " Commons Houſe of Parliament, and the government of " this Realm, and to excite a ſpirit of diſcontent, diſaffec- " tion, and ſedition in the minds of the liege ſubjects of our " ſaid Lord the King, towards and againſt our ſaid Lord " the King, and the government of this realm."

This is one of the allegations neceſſary for you to attend to; for, unleſs you find that what they did was done with ſome of theſe views, the defendant is entitled to your acquittal. The firſt charge is, that he conſpired with Gales; and a conſpiracy with two is ſufficient: ſo that whether Daviſon was a conſpirator or not is not material, if Mr. Yorke and Gales conſpired together.

There is a further allegation, that in purſuance of this conſpiracy, they did cauſe and procure certain ſubjects, " 4000, " or more, to aſſemble together on the Caſtle Hill, at Shef- " field, for the purpoſe of hearing divers ſcandalous, ſedi- " tious, and inflammatory ſpeeches, reſolutions, and writ- " ings of, and concerning the Commons Houſe of Par- " liament."

And there is a further allegation, that they did it in purſuance of the conſpiracy, and " to induce the ſubjects to be- " lieve that the Houſe of Commons was inattentive to the " lawful wiſhes, deſires, and petitions of the people," &c.

There are alſo counts for printing and " publiſhing a " ſeditious pamphlet, of and concerning the ſaid Commons " Houſe of Parliament, and the government of this realm, " entitled, Proceedings of the Public Meeting held at Shef- " field, in the open Air, on the 7th of April, 1794; and " alſo an Addreſs to the Britiſh Nation, being an Expoſition " of the Motives which have determined the People of Shef- " field to Petition the Houſe of Commons no more on the " Subject of Parliamentary Reform; and alſo, that he did " conſpire and confederate with divers other diſaffected and " ill-diſpoſed ſubjects, to break and diſturb the peace and " tranquillity of this realm, and to raiſe and excite riots, " commotions, and tumults therein, amongſt the ſubjects of " our ſaid Lord the King, and to incite and encourage the " ſaid ſubjects to furniſh and provide arms and offenſive

" weapons, for the purpoſe of more effectually raiſing and " carrying on ſuch riots, commotions, and tumults."

Now, in order to make out theſe points, perhaps, it will be better, before I ſum up the evidence, to point your attention to one circumſtance, and that is, that you would conſider, as to the ſpeech printed and the ſpeech proved to have been uttered, what is the fair conſtruction of them: That the ſpeeches, if they were uttered by the party as publiſhed, relate to the government of this country there can be no doubt. " When our nation ſhall be regenerated, theſe " perſecuted men will wear civic crowns." He ſpeaks of our nation, and then he addreſſes them and ſays, " Fellow " Citizens, the day is at length arrived," and ſo on; and, throughout, he ſeems to me never to ſpeak of government in general, without having the Britiſh conſtitution in his view; that is the principal part of the inuendoes in this indictment. The inuendoes, in general are, that he meant, among others, to allude to the government of this country, of which I think you can hardly entertain a doubt, provided the ſpeeches and the publication are fairly ſtated. You are therefore to conſider, ſuppoſing the inuendoes fairly ſtated, whether it was their intention merely to enlighten the minds of the people upon a ſpeculative point, or to carry them a ſtep further, and excite a ſpirit of diſcontent, diſaffection, and ſedition in their minds. If you ſhould be of opinion that the defendant uttered theſe ſpeeches with that view, or that they had that tendency, even though he might not have that deſign; yet, if a man will, in a public aſſembly, utter words, having a ſeditious tendency, he muſt take the conſequences; and he can, in my opinion, no more juſtify himſelf for what he has done, by ſaying he did not think it would have that conſequence, than a man who ſhould fire a piſtol among a crowd ſhould be allowed to ſay, I did not think my piſtol would have gone ſo far, or that a man ſhall be allowed to ſay, I only meant to try the effect of powder, and did not think it would have killed the man. The crime of ſedition has nothing analogous to it, except the crime of high treaſon. If a man is robbed on the highway, he ſees exactly the extent of the loſs; but who ſhall ſay, when a man addreſſes an aſſembly, in a way to inflame the multitude, who ſhall ſay where the miſchief ſhall end: it is impoſſible for any man to anſwer for the miſchief; and for that reaſon it is that I tell you as my own private opinion, I think it is a crime that has nothing analogous to it in this country, except the crime of high treaſon, becauſe the extent can never be aſcertained;

therefore men muſt be cautious as to what they utter, and it is the bleſſing of this country to have a controul over them; it is the province of a Jury, when ſpeeches are brought before them that are libellous or ſeditious, to ſay whether they think the party has really uttered them, if they do think the party uttered the ſpeeches, and that the ſpeeches have a ſeditious tendency; till I am better informed, I ſhall never direct a Jury to attend to the intention of the party, but to the thing itſelf.

Having premiſed ſo much, I will now proceed to the evidence.

(Here his Lordſhip recapitulated the evidence on the part of the Crown.)

This is the evidence on the part of the proſecution. On the part of the defendant, you have heard a ſpeech upon which I will make no comment, except this, that he made ſome obſervations certainly not very reverently of the Houſe of Commons—that by the ſuſpenſion of the Habeas Corpus act they had laid the liberties of the people at the foot of the throne. It was better ſtopped, that nothing farther might go on upon that ſubject; and it is a line that it is ſurely the duty of a Judge to purſue; becauſe he cannot ſit here and do his duty, unleſs he ſtops a man the moment he ſays a word to ſlander the laws. I cannot ſuffer the acts of the Legiſlature to be cenſured. He ſupported his ſpeculative principles of annual Parliaments and univerſal ſuffrage, and ſays he has uttered no more than what may be found in the ſpeeches of ſuch men as the late Lord Chatham, Lord Camden, Sir George Saville, Archdeacon Paley, and others; and it is very true they have done ſo, and we believe in charity that tney have honeſtly done ſo; and if the conduct of the defendant here had been merely a ſpeculation of his own, it would have been a different thing; but when thoſe ſpeculations are gone forth in a large aſſembly, it will be for you to judge whether you will give him credit for the innocence of his exertions, whether he did not addreſs them with a view to inflame their minds and their paſſions. He ſays that he did not; and he urges, and has a right to urge, as to the conſequences of his ſpeech, that Sheffield has had no riot in it ſince, and that it is almoſt the only town in which no riot has enſued; and even if it is ſo, what conſequences have enſued we have nothing to do with. The next part of his defence goes to deny that the pamphlet itſelf, and the ſpeech which he uttered, really had that ſeditious tendency, or could bear the conſtruction that the witneſſes for the

Crown have ſpoke to; and to that purpoſe he calls ſeveral witneſſes.

(Here his Lordſhip ſummed up the evidence on the part of the defendant.)

Now, Gentlemen, this is the whole of the evidence on the one ſide and on the other; and as I ſaid at the outſet, before I began to ſum up, it is your province to conſider fairly and diſpaſſionately the duty you owe, on the one hand, to the public, and that which you owe, on the other, to the priſoner. If he has, in your opinion, been guilty of addreſſing a public meeting, at the time that he did addreſs this meeting, namely in the month of April 1794, when your own obſervation muſt furniſh you with what the ſtate of the country was, and the diſpoſitions of the minds of many of the King's ſubjects, if he has thought proper to addreſs the people in ſtrong energetic language, ſuch as is mentioned here, and that language had a tendency (all the circumſtances of time and place conſidered, for you ought to take all that into conſideration,) to excite ſedition in the minds of his Majeſty's ſubjects, to vilify, traduce, and defame the Houſe of Commons; if you think he not only did that, but that in doing it he and Gales conſpired together, you will find him guilty. If, on the contrary, you think he had no previous communication with Gales, he is entitled to your acquittal. If you believe that he and Gales were two honeſt ſpeculatiſts, having merely that ſpeculation in view, and that their addreſs to the public was perfectly innocent, and had no tendency to excite diſaffection, then you ought to find him not guilty. As to the circumſtance, whether he is the publiſher of the ſpeech or not, it reſts upon ſome very few facts. That he uttered ſome ſpeeches, there is no doubt; and that they were of the nature ſtated in the indictment, if you believe the witneſſes, you cannot doubt. On the other hand, that the ſpeech had not that tendency, but was an innocent one, and only tended to produce peace and good order, if you believe the teſtimony of the witneſſes, you muſt think. But there is an additional circumſtance in this caſe: the pamphlet itſelf is publiſhed as the proceedings of the meeting of that day; Mr. Gales and Mr. Yorke confer about the buſineſs of arms; Mr. Yorke ſaid Gales would take a dozen of them; and Mr. Yorke had converſed with Gales before the meeting; and within a week after the meeting this publication was produced; and it is publiſhed as a narrative of the proceedings: It, by the account of the defendant's own witneſſes, compriſes ſeveral paſſages, particularly that about the 558 gentlemen in St. Stephen's chapel;

it compriſes that clearly, and the other witneſſes ſay many more paſſages: thoſe perſons who thought it ſtronger than the ſpeech as uttered, never made any remonſtrance about it, or endeavoured to put a ſtop to the negotiation of that libel. That being the caſe, you will conſider whether this book is not confirmatory of what the ſpeech contained; and if you believe that Mr. Yorke was privy to the publication of this book, you can only infer it from Mr. Yorke not being able to produce evidence to the contrary. If you are of that opinion, then the publication itſelf is evidence of what that ſpeech uttered by Mr. Yorke did really contain, and will help to guide your judgment in deciding between the account given by the evidences for the proſecution and that for the priſoner; for it is impoſſible to take up this book, and ſay it does not tend to libel the Houſe of Commons, and tend to excite diſaffection in the government of the country.—Therefore, taking one of theſe books with you, I only admoniſh you of the very important duty you have to diſcharge; and you are to conſider whether or not Mr. Yorke excited a ſpirit of diſaffection at that meeting, and whether what is charged in the indictment paſſed at that meeting.

The Jury having withdrawn about twenty minutes, returned with a verdict of——GUILTY.

Mr. Yorke. When will your Lordſhip fix the day for the trial of the next indictment.

Mr. Juſtice Rooke. It is paſſed over. They do not intend to proceed upon it.